

**IN THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS**

CASSANDRA FRAZIER, individually
and as next of kin to her deceased
husband, NELSON LEE FRAZIER, JR.
A/K/A "MABEL" A/K/A "VISCERA"
A/K/A "BIG DADDY V" A/K/A "KING
MABEL," and as personal representative
of THE ESTATE OF NELSON LEE
FRAZIER, JR, DECEASED,

Plaintiff,

v.

WORLD WRESTLING
ENTERTAINMENT, INC.,

Defendant.

Case No. _____

JURY DEMAND

FILED
FEB 18 2015
CIRCUIT COURT CLERK
BY _____ D.C.

COMPLAINT

COMES NOW the Plaintiff, Cassandra Frazier, Individually and as Personal Representative of the Estate of Nelson Lee Frazier, Jr. and as successor in interest to her deceased husband, Nelson Lee Frazier, Jr., hereby complains of Defendant World Wrestling Entertainment, Inc. ("WWE" or "Defendant"), and alleges as follows:

Summary

1. Plaintiff Cassandra Frazier is the wife and next of kin of the deceased, Nelson Frazier, Jr., a famous international professional wrestler better known by his ring names "Mabel," "King Mabel," "Viscera," and "Big Daddy V."
2. Plaintiff brings this suit for damages sounding in negligence, wrongful death other causes of action, predicated on the WWE's wrongful conduct giving rise to

the long-term consequences of multiple concussions and other serious, permanent, and disabling injuries suffered during Nelson Frazier, Jr.'s approximately fifteen-year WWE career. Plaintiff, as the sole surviving spouse and next of kin of Nelson Frazier, Jr., is the successor in interest to Nelson Frazier, Jr. and is the personal representative of the Estate of Nelson Frazier, Jr. Mr. Frazier died February 18, 2014 at the age of 43 as a result of injuries he sustained as a result of wrestling for the WWE. Plaintiff seeks compensation and such further relief as justice may require for accumulation of long-term chronic injuries, chronic traumatic encephalopathy (CTE), financial losses, pain and suffering, expenses, loss of enjoyment of life, and intangible human losses suffered by the Plaintiff as a result of WWE's willful, wanton, reckless, and grossly negligent and other conduct and omissions, which resulted in Mr. Frazier suffering repetitive serious head injuries, brain trauma, concussions, other serious injuries, and eventually the heart attack which took his life.

History of the WWE

3. The history of the WWE dates from 1952 when Jess McMahon founded Capitol Wrestling Corporation. Through the years the organization went through several name changes including World Wrestling Federation (WWF), World Wrestling Entertainment (WWE), and its current simple title, WWE, though the legal entity is still World Wrestling Entertainment, Inc. (hereinafter, collectively, "WWE"). AT all times relevant to this case, Defendant WWE was the successor company to all previous named entities referenced in this Complaint.

4. At the time of its creation in the 1950s, the WWE was one of many wrestling organizations in the United States and wrestlers around the country worked for

dozens of promotion companies. The companies were largely regional with the WWE controlling wrestling in the Northeast. Wrestlers then and now were part of a subculture of entertainers that by virtue of their unique size, skills and individual performance abilities worked as independent talent, often without formal employment contracts.

5. Under the control of Vince McMahon (hereinafter “McMahon”), now the world’s most famous wrestling promoter, the WWE steadily consolidated its market share. In 1982, McMahon acquired the company from his father. McMahon rapidly expanded his company by promoting in areas throughout the United States, displacing the smaller regional businesses. He took advantage of cable television, pay-per-view and vastly expanded the reach and popularity of the sport through innovative promotion and creative presentations.

6. The 1980s saw wrestling surge in popularity largely due to this expanded reach on TV as well as the new approach that included developing storylines and promoting individual wrestlers on the national and international stage.

7. Central to the success of the WWE under the leadership of McMahon was the development of the wrestler as an individual with a larger than life personality who adopts a stage name, which McMahon refers to as an ‘alter ego’. The wrestler would often adopt a certain character, clothing or costume, and wrestling style to become a recognizable star. Development of these characters was encouraged and directed by WWE, with participation by the wrestler. A wrestler’s persona usually develops into a heroic good guy, also called a ‘face,’ or alternatively the wrestler is cast as a villain or ‘heel.’ These roles are often more nuanced, however, and may be manipulated to enhance storylines and keep audiences entertained. Regardless of the storyline or character

developed, Defendant WWE would develop and then exploit such characters for the purpose of creating entertainment draws to maximize audience, television market share, ticket sales for events, merchandise sales, and other profit-driven endeavors.

8. Central to the history and success of the WWE are the characters of wrestlers who, like Hulk Hogan, were used to generate millions of viewers through their showmanship, charisma, name recognition and unique character. Hulk Hogan was hand-picked by Vince McMahon to be the WWE's star, a move that surely worked to popularize the WWE and make it a household name.

9. The WWE competed with Ted Turner and Time Warner's World Champion Wrestling (WCW) for greater market share throughout the late 1980s and 1990s with the WWE eventually buying the WCW in 2001.

10. Today the WWE is the largest professional wrestling company in the world, with no close competitors. It holds approximately 320 matches each year; it oversees a media empire showing its television programs to 36 million viewers in 150 countries; and it recently launched an online video streaming service branded the WWE Network. It is now a publicly traded company that is privately controlled by McMahon and his family. McMahon and his wife Linda control about 70% of the equity and 96% of the voting power. The WWE has reported annual revenues of over five hundred million dollars (\$500,000,000.00).

WWE Disregards Wrestlers' Safety

11. Despite the massive cultural and commercial success of professional wrestling under the leadership of the WWE and Vince McMahon, the WWE has tragically failed to protect its wrestlers from harms orchestrated, perpetuated, encouraged, demanded, and otherwise created by WWE. Through its years of development, growth, and success, despite the increase in revenues to WWE, and despite the development of medical knowledge and science concerning the dangers of head injuries, WWE consistently ignored and disregarded risks of harm to its wrestlers. However, Defendant WWE consistently kept antiquated rules and traditions in place to maintain the “entertainment value” of its products, rather than concern itself with the wellbeing of the wrestlers. The result was that despite the years of abuse, injury, trauma, and impact suffered by WWE wrestlers, the wrestlers in turn received little to no healthcare or appropriate medical treatment from WWE.

12. Notably, the WWE utterly failed to protect its wrestlers from head injuries. Despite the fact that many, if not most, wrestling moves involve head trauma, the WWE took no steps to prevent these injuries for decades, and to this day, it still attempts to downplay their significance. Despite massive and irrefutable medical evidence that has linked concussions with long-term neurological problems and permanent brain damage, the WWE did not warn its wrestlers about concussions or head injuries, nor did the WWE educate wrestlers, including Mr. Frazier, about the associated risks.

13. Through the culture created by WWE, its actions toward the wrestlers, including Mr. Frazier, and through the positions and actions and inactions perpetuated by

WWE, Defendant has, effectually, disavowed, concealed, and prevented any medical care for these head injuries from being provided or allowed to wrestlers on a repetitive basis. The WWE, as organizer and purveyor of professional wrestling, in which head trauma is a regular and repeated occurrence, had a duty to take measures to protect its wrestlers. The WWE was aware, or should have been aware, of the risks of repeated head trauma and multiple concussive events, but nevertheless chose to deliberately ignore and conceal from the wrestlers and their families the risks of serious long-term health effects resulting from head injuries.

14. The WWE also had a duty, both at law as well as a voluntary and assumed duty, to care for its wrestlers, by virtue of the extent to which WWE controlled and directed development of characters, orchestration of physical moves and spectacles at its events, and the extent to which WWE perpetrated placing its wrestlers at risk of harm and repetitive trauma. However, the WWE regularly failed to fulfill this duty, and many wrestlers, including Nelson Frazier, Jr., worked through serious illnesses and painful, debilitating, and permanent physical injuries. The WWE voluntarily assumed a duty to monitor and maintain its wrestlers health through its announced health policies. Mr. Frazier in particular suffered from diabetes, an enlarged heart, and obesity. In one case, Mr. Frazier even wrestled while he was diagnosed with pneumonia, yet he was cleared by WWE medical staff and encouraged to risk his life by wrestling for the WWE. The WWE chose to actively deceive wrestlers such as Mr. Frazier and encourage them to continue to wrestle despite poor and failing health. The WWE encouraged them to wrestle prematurely after injuries and concussive events, thereby creating further risk of future

harm, often in the face of actual knowledge of increased risk of harm to wrestlers, including Nelson Frazier, Jr.

15. Mr. Frazier, in turn, relied on the WWE's deceptive statements and efforts to conceal medical evidence, resulting in his misinformed belief that concussive events and wrestling with serious illnesses and injuries did not present serious life-threatening risks. Nelson Frazier, Jr. was in an inferior bargaining position to WWE, as well as an inferior position to know the scope of risks to which WWE insisted he participate. As a result, he regularly returned to wrestle prematurely, despite suffering injury from a previous match, without adequate time to heal. Subsequently, as Mr. Frazier's health further declined, the WWE did nothing to help him manage or treat his injuries and wrestling-related medical conditions.

16. The WWE's active and purposeful concealment and misrepresentation of the severe neurological risks of multiple concussive events exposed wrestlers, including Mr. Frazier, to dangers they could have avoided had the WWE provided them with truthful and accurate information. Mr. Frazier, before his untimely death, suffered symptoms of severe and permanent brain damage, including but not limited to, Chronic Traumatic Encephalopathy (CTE). Mr. Frazier suffered several other injuries while performing for the WWE which eventually led to permanent disability and contributed to his pain and suffering, death, and damages to self and his widow. The WWE's negligence, wrongful acts and omissions were the cause of these injuries and contributed to his death. In sum, the WWE actively, willfully, recklessly, and negligently concealed important medical information from its wrestlers and deceived them concerning the effects of multiple head trauma and prematurely allowed them to return to wrestling

matches even when injured; as a result, wrestlers, including Mr. Frazier, suffered serious permanent and debilitating injuries, damages, and in the case of Mr. Frazier, death.

The WWE Record: Death, Drug Addiction, Suicide, Heart Attack What Really Goes on

17. The WWE has for years ignored the growing list of wrestlers who have died during or after their work for the WWE. In an unmistakable pattern, WWE wrestlers have died at a staggering rate under the age of 50. WWE in fact perpetrates a culture of neglect and disregard of its wrestlers, despite subjecting them to significant and repetitive traumas, such that wrestlers often fall into patterns of behavior designed to cope with such traumas: namely, many wrestlers, faced with repeated injuries, pain, trauma, and need to physically recover to participate in the next match, turn to medication to aid their recovery; often times the use of pain and other medications leads to dependency, which leads to addiction; subsequently the addiction deepens as wrestlers continue to be required to perform, despite ongoing medical and psychological difficulties, all for the sake of “entertainment;” dependency on these measures deepens, leading to long-term, sometimes permanent problems, including death. The pattern of a large number of these deaths is similar and involved drug abuse that began when the wrestler became dependent on pain killers to combat painful injuries sustained while working long hours in the ring with insufficient rest, poor or nonexistent safety rules, and no access to health care or health insurance provided by the WWE.

18. Although the WWE has grown into a billion dollar business, it kept antiquated or non-existent safety rules for decades that failed to protect its wrestlers.

Despite the billions of dollars earned by the WWE, it signs all new Talent to completely one-sided Independent Contractor agreements that attempt to disclaim all liability and provide no short term or long term care.

19. The WWE coerces its wrestlers to work while they are injured by threatening to strip them of their position, character, public “statute” within the WWE story line, and other notoriety and opportunities within the organization if they refuse. If the wrestler’s act is a popular one, the wrestler will be encouraged to work through injuries so as not to lose his spot on the various televised WWE programs. The more a wrestler performs on television, and the more dramatic the matches they work, the greater their notoriety becomes, whether being case as a hero or villain. WWE allows and deliberately encourages such events to continue, regardless of the harm caused to the wrestlers.

20. The WWE’s obsessive focus on profit has created a corporate culture that enforces a code of silence on injuries. The WWE uses intimidation and economic coercion to discourage wrestlers from reporting injuries or seeking medical attention. The WWE adhered to a general policy that ‘there was no getting injured’ in the WWE, meaning wrestling in the organization meant enduring injuries and pain in order to keep one’s job and livelihood. Wrestlers are universally encouraged to ‘wrestle through the pain’ in order to keep working to maximize profit for the WWE.

21. Inevitably many wrestlers turn to powerful pain medications and muscle relaxers that are routinely used and were often dispensed by WWE affiliated doctors or staff without a prescription. Many wrestlers use steroids in order to heal faster and increase their performance. In addition to painful injuries, the unseen head trauma from

repeated blows to the head, day after day, takes its toll on the wrestlers who often exhibit symptoms of brain damage: memory loss, headaches and migraines, confusion, depression and violent personality changes. To ease the pain of injuries many turn to drug and alcohol abuse, which leads to addiction, drug overdoses, suicide and heart attacks. The disproportionately large number of these deaths is a direct result of the total failure by the WWE to maintain a minimal standard of care to the thousands of wrestlers who performed under its banner.

JURISDICTION AND VENUE

22. This Court has venue over this action pursuant to Tenn. Code Ann. §20-4-101 et seq. as the cause of action arose in Shelby County, Tennessee, and because substantial events and/or omissions giving rise to this case arose in Shelby County, Tennessee.

23. This Court has personal jurisdiction over the Defendant because it conducts substantial and continuous business in the State of Tennessee and Shelby County, and has continuing contacts with the Shelby County and the State of Tennessee.

24. At the time of his death on February 18, 2014, Nelson Frazier, Jr. resided in Memphis, Tennessee, within Shelby County.

PARTIES

25. Plaintiff Cassandra Frazier, individually and as successor in interest to her deceased husband and on behalf of his Estate, is a citizen and a resident of Memphis, Tennessee, within Shelby County.

26. Defendant World Wrestling Entertainment, Inc. is a Delaware corporation doing business in the state of Tennessee. Defendant maintains a principal business

address of 1241 E. Main Street, Stamford, Connecticut 06902-3520. Defendant may be served with process through its registered agent, C.T. Corporation System, 800 S. Gay Street, Suite 2021, Knoxville, Tennessee 37929-9710.

FACTUAL ALLEGATIONS

Deaths of Wrestlers in the WWE

27. The number of wrestlers that have died who wrestled in the WWE at one time or another is simply astonishing and unprecedented in the history of athletics.¹ A well-known journalist who follows the issue observed: “literally the dozens of wrestlers in their twenties, thirties, and forties have dropped dead in the last two decades- a staggering epidemiological trail hidden in plain sight, noticed by few, cared about by fewer still.”²

28. Vince McMahon, the owner of the WWE, was asked about the death rate in wrestling in an infamous interview with investigative reporter, Armen Keteyian in a TV program titled “Deaths in Pro Wrestling” that aired on June 24, 2003 on HBO Real Sports. Keteyain asked Mr. McMahon, “Do you have a reason why these people would be dying under the age of 45?” and “If [the death rate] in any way shape or form falls on your shoulders?” Mr. McMahon replied, “I would accept no responsibility whatsoever for their untimely deaths, none whatsoever.” Keteyain pressed: “But none whatsoever? I mean they wrestled for you, they were part of your organization, they worked a couple hundred nights a year for you, they lived this lifestyle.” Mr. McMahon becomes visibly agitated and flicked a folder at Mr. Keteyain. More than a decade after this interview, it is

¹ Nearly all wrestlers have worked in other organizations during their career.

² Muchnick, Irvin, Wrestling Babylon, p. 136 (ECW Press 2007).

clear, based on the increasing rate of deaths of both former and current wrestlers, that little if anything has changed within the WWE.

29. Below is an incomplete list of nearly forty of those wrestlers who worked with the WWE at one time or another and lost their lives prematurely. These men and women are no longer here to tell their tragic story: they nearly all either fell in the terrible cycle of drug addiction, suffered heart attacks, or in some cases, committed suicide, an unfortunately prevalent cause of mortality among WWE wrestlers.



30. Andrew Martin, a WWE wrestler also known by his ring name “Test,” died March 13, 2009 at the age of 34 of an apparent drug overdose. Mr. Martin’s brain tissue was examined by a forensic pathologist who diagnosed him with Chronic Traumatic Encephalopathy (CTE) caused by repeated concussions and head injuries.



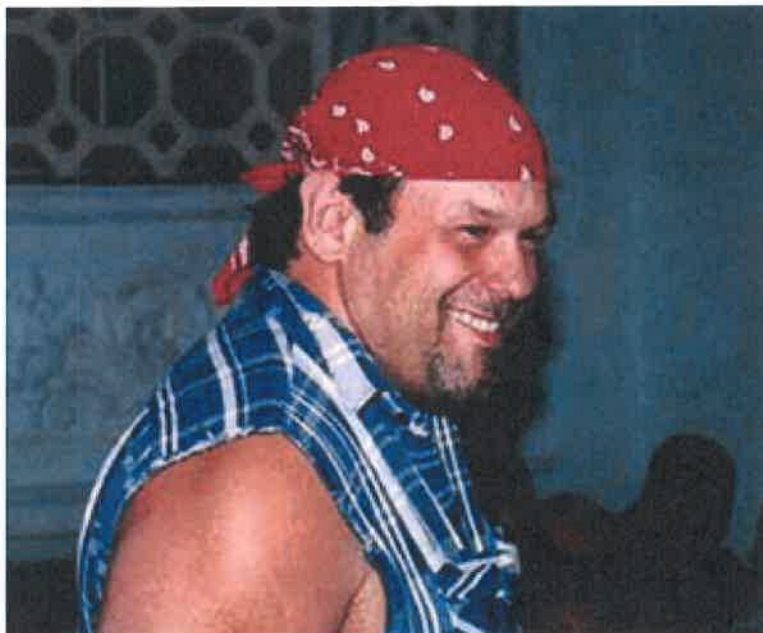
31. Lance Kurtis McNaught, a WWE wrestler also known by his ring name Lance Cade, died August 13, 2010 at the age of 29 of a heart attack that may have been drug-related.



32. Sean Christopher Haire, a WWE wrestler also known by his ring name Sean O'Haire, died September 8, 2014 at the age of 43. It was reported that Mr. Haire committed suicide after battling depression and personality changes.



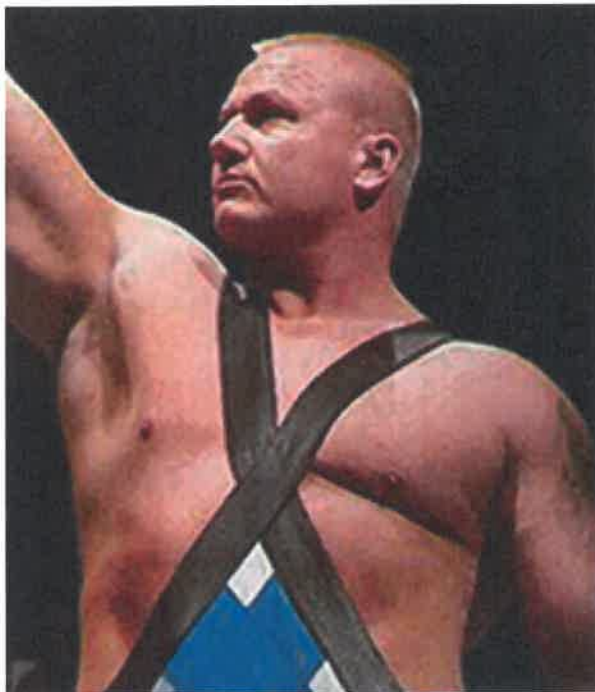
33. Steve Bradley, a WWF wrestler, died December 4, 2008 at the age of 32. He died of a possible drug overdose.



34. Matt Osborne, a WWF wrestler known by his ring name Doink the Clown, died June 28, 2013 from heart disease at the age of 55. Osborne reportedly battled drug addiction for years prior.



35. Chris Candido, a WWE wrestler, died on April 28, 2005 from wrestling related injuries at the age of 33.



36. Tony Halme, a WWE Wrestler known by the ring name Ludvig Borga, died January 8, 2010 at the age of 47. Mr. Halme allegedly committed suicide with a handgun.



37. Christopher Klucsarits, a WWF Wrestler known by the ring name Chris Kanyon, died on April 2, 2010 at the age of 40. Mr. Klucsarits allegedly committed suicide by overdosing on drugs.



38. Edward Smith “Eddie” Fatu, a WWE wrestler known by the ring name Umaga, died on December 4, 2009 at the age of 36. He died of a heart attack which was reportedly related to drug use.



39. Steve Doll, a WWF wrestler known by the ring name Steven Dunn, died on March 22, 2009 at the age of 48. Mr. Doll died of a blood clot due to long term injuries sustained while wrestling.



40. Brian Keith Adams, a WWF wrestler known by the ring name Crush died on August 13, 2007 at the age of 43. He died of an apparent drug overdose.



41. Mike Lee Alfonso, a WWF wrestler known by the ring name Mike Awesome, died on February 17, 2007 at the age of 42. He died of apparent suicide.



42. Scott Charles Bigelow, a WWF Wrestler known by the ring name Bam Bam Bigelow died January 19, 2007 at the age of 45. He reportedly died of a drug overdose and heart disease.



43. Eddie Guerrero, a many time WWE champion wrestler, died November 13, 2005 at the age of 38. Mr. Guerrero died of heart failure after battling drug addiction.



44. Raymond Fernandez, a WWF wrestler known by the ring name Hercules Hernandez, died March 6, 2004 at the age of 47. He died of a heart attack.



45. Michael John Lockwood, a WWF/WWE wrestler known by the ring name Crash Holly, died November 6, 2003 at the age of 32. Mr. Lockwood reportedly committed suicide by drug overdose.



46. Michael Hegstrand, a WWF wrestler known by the ring name Road Warrior Hawk, died October 19, 2003 at the age of 43. He died of a heart attack.



47. Terry Ray Gordy, a WWF wrestler known by the stage name the Executioner, died July 16, 2001 at the age of 40. He died of a heart attack.



48. Anthony Durante, a WWF wrestler known by the ring name Pitbull #2, died September 25, 2003 at the age of 36. He allegedly died of a drug overdose.



49. Curt Hennig, a world champion WWE wrestler known by the ring name Mr. Perfect, died on February 10, 2003 at age 44. He died of a reported drug overdose.



50. Raymond Traylor, Jr., a WWF wrestler known by the ring name The Big Boss Man, died September 22, 2004 at age 41. He died of a heart attack.



51. Rodney Agatupu Anoa'I, a WWF wrestler known by the ring name Yokozuna, died October 23, 2000 at age 34. He died of pulmonary edema, weighing 580 pounds.



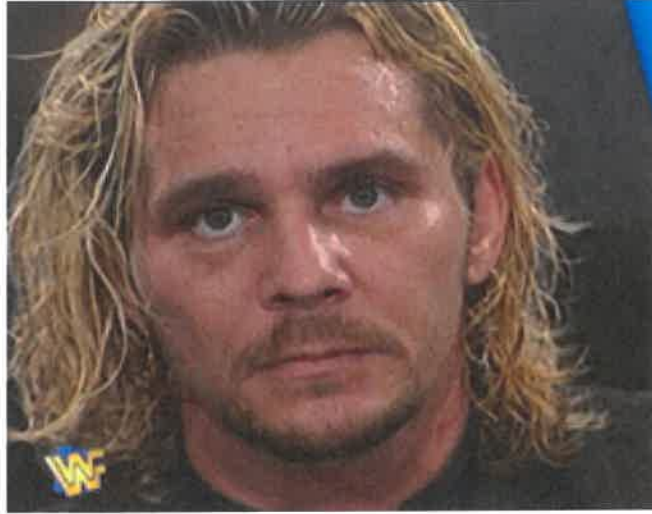
52. Owen James Hart, a WWE world champion wrestler, died May 23, 1999 at age 34. He fell to his death while performing a stunt during a live WWE event.



53. Richard Erwin Rude, WWE wrestler, stage name Ravishing Rick Rude died April 20, 1999 at age 40. He died of heart failure that was reportedly related to drug abuse.



54. Louis Mucciolo, Jr. WWF wrestler, stage name Rad Radford died February 15, 1998 at age 27. He reportedly died of a drug overdose



55. Brian William Pillman, WWF wrestler, died October 5, 1997 at age 35. He died of heart failure.



56. Kerry Von Erich, WWF wrestler, died February 18, 1993 at age 33. Mr. Von Erich reportedly committed suicide. Mr. Von Erich came from a noted wrestling family, and two of his brothers who wrestled professionally also died by their own hand.



57. Eddie Gilbert, a WWF wrestler known by the stage name “Hot Stuff,” died February 18, 1995 at age 33. He died of a heart attack that was reported to be drug-related.



58. Randy Savage, known by the stage name “Macho Man” was widely considered one of the best and most popular wrestlers of the modern era. He died May 20, 2011 at age 58 of heart failure.



59. Elizabeth Ann Hulette, a WWF wrestler known by the stage name Miss Elizabeth, died May 1, 2003 at the age of 42. She died of a reported drug and alcohol overdose.



60. Warrior (formerly known as James Brian Hellwig), a WWF wrestler known by the stage name Ultimate Warrior, died April 8, 2014 at age 54. He died of a heart attack three days after being inducted into the WWE Hall of Fame.



61. Doug Furnas, a WWF wrestler, died March 2, 2012 at the age of 52. He died of a heart attack; he also suffered from Parkinson's disease.



62. Mike Shaw, a WWF wrestler known by the ring name Bastion Booger, died September 11, 2010 at the age of 53. He died of a heart attack.



63. Robert Bradley James, a WWE wrestler, died November 1, 2012 at the age of 51. He died of an apparent heart attack.



64. Shawn McGrath, a WWE wrestler with the ring name Shawn Osborne, died January 26, 2011 at the age of 34. He allegedly committed suicide.



65. Gertrude Elizabeth Vachon, a WWF wrestler known by the ring name Luna Vachon, died August 27, 2010 at the age of 48. She died of an apparent drug overdose.



66. Rhonda Ann Sing, a WWF wrestler known by the stage name Monster Ripper, died July 27, 2001 at the age of 40. She died of a heart attack.



67. Sherri Schrull, a WWF Women's Champion wrestler, died June 15, 2007 at the age of 49. She died of an apparent drug overdose.



68. David Boy Smith, a WWF wrestler known as Davey Boy Smith, died May 18, 2002 at the age of 39. He died of an apparent drug abuse related heart attack.



69. Chris Benoit, WWE wrestler died June 24, 2007 at the age of 40. In one of the most infamous events in the WWE's tragic history, Mr. Benoit killed his wife and son before taking his own life. Mr. Benoit's brain was examined and he was found to have Chronic Traumatic Encephalopathy (CTE). The neurologist who studied the tissue reported that, "Benoit's brain was so severely damaged it resembled the brain of an 85-year-old Alzheimer's patient."

70. The death rate among WWE wrestlers has yet to be subjected to statistical analysis by an expert qualified to conduct a such a study; however, upon information and belief, such an analysis would indicate that the death rate among wrestlers exceeds that of any similar athletic profession or any professional sport, as well as in excess of other segments of the U. S. population.

Nature of WWE Professional Wrestling Performances

71. Throughout their tenure at the WWE, wrestlers sustain numerous blows to their heads. The choreographed and visually dramatic signature wrestling moves that are enjoyed by many to watch have a hidden side effect for the wrestlers that perform these dangerous stunts. The long-term effects of repeated falls, bumps and moves that result in hits to the head lead to long-term brain damage.

72. Pro wrestling of the type the WWE promotes features techniques that require significant skill and training. The WWE begins training Talent in facilities throughout the United States. The WWE employs trainers to advise wrestlers how to conduct various maneuvers that constitute the action. In this way, WWE promotes and educates wrestlers, like Nelson Frazier, in the moves they will use during WWE matches, which will be incorporated into the “story lines” of the matches organized, choreographed, and orchestrated by WWE.

73. The WWE undertakes a duty to the wrestlers in its sponsored matches because it has provided for their training with specialized trainers that the WWE employs specifically for the purpose of developing new Talent and launching careers through its developmental training programs. Additionally, more experienced WWE wrestlers, who are sometimes called mechanics, train younger wrestlers in the ring and teach them how to perform various moves. These moves and training are designed to promote, develop, and perfect the visual aspect of such moves, irrespective of the trauma they cause the wrestlers.

74. At matches themselves, trainers along with other WWE employees and bookers or booking agents organize and oversee the action that takes place in each performance. WWE, through its agents and employees, direct the structure and operation of each match, expecting the wrestlers chosen to perform the moves choreographed by WWE. Such choreography is planned, created, and directed for the purpose of maximizing the visual “entertainment” factor of each match, irrespective of the trauma or harm to which the wrestlers are to be subjected, and irrespective of the present physical status of any participating wrestler.

75. The booking agent is an employee of the WWE. The booking agent's responsibilities include writing scripts for performances, determining the order of events on a wrestling card, setting up the matches, and advising the wrestlers on what techniques must be used in each performance. The booker makes the "call," that is, instructs wrestlers what is going to happen in a match. Wrestlers, like Nelson Frazier, do not have a real option whether to perform the moves and actions created by WWE. Refusing to perform moves or subject themselves to bodily harm at the request of WWE is grounds for contract termination, and other financial and professional sanctions, all organized and crafted by WWE.

76. Throughout the history of the WWE, the trainer, booker, and WWE staff have been jointly responsible for the safety of the wrestlers involved in each performance.

77. Upon investigation, wrestlers report that the WWE booking agents and WWE staff routinely and systematically advise them to wrestle while injured, discourage appropriate medical treatment, and often encourage dangerous maneuvers for which some wrestlers have had inadequate training.

78. The concepts for the storylines are provided by the WWE, sometimes from Vince McMahon himself, or his creative staff. These ideas are in turn given to the booking agents to implement. The booking agent then explains to the wrestlers what they are expected to do.

79. The most basic wrestling move is called a "bump." A bump involves falling to the mat backwards so the wrestler lands on his back. Wrestlers are taught to fall so that the top of their back hits the mat, and to avoid hitting their head. Inevitably

however, depending on the speed at which they are taking the bump, they hit their head or neck resulting in head injury.

80. Another defining professional wrestling move is called a “Body Slam.” As the name implies, it involves lifting up an opponent and throwing him/her down. A body slam in all of its forms is the most popular action of a wrestling performance. A slam is a type of “power move,” as it demonstrates the physical strength of the wrestler and is delivered with different amounts of force.

81. There are a myriad of professional wrestling moves. The nature of most of the major moves involves throwing an opponent in a manner that results in some amount of head trauma. The most common “bump” means many repeated falls to the mat, which involves wrestlers falling on their backs, and sometimes their heads, at high impact.

82. The various types of slams are delivered at various speeds and driving force depending on the relative size and strength of the wrestlers. In order to avoid injuries, both wrestlers need to be properly trained in the moves. Even with proper training, wrestlers find it frequently impossible or impracticable to avoid suffering head injury during a match.

83. Certain slam actions involve head drops in which an opponent is dropped on their head. An experienced wrestler learns to tuck their chin, keeping their head out of the impact zone to avoid serious injury, however all such moves result in some head trauma and involve serious inherent risks to spine, neck and head. Such moves are often ‘botched’ resulting in the head hitting the mat or other surface causing concussions.

84. Some of the more dangerous slams involve acrobatic feats that involve lifting opponents more than six feet in the air.

85. Some of the more dangerous of the dozens of slam or throw moves employed in WWE events include: the neckbreaker, DDT, pile driver, brainbuster, and suplex.

86. The various neckbreaker moves involve slams that attack the opponent's neck, usually with a knee, shoulder or head.

87. The DDT involves putting an opponent in a facelock or headlock then falling down or backwards to drive the wrestler's head into the mat. The acronym is said to stand for such colorful names as Demonic Death Tap, Damien's Death Touch, Drop Down Town or Drop Dead Twice. The move is considered to be very dangerous as it can result in brain and spinal cord damage.

88. A piledriver, a very popular WWE move, involves grabbing an opponent, turning him upside down and dropping him or driving him head first into the mat. A piledriver, even when performed properly, presents near risks to the head.

89. A brainbuster and its variants are moves in which the opponent is put in a front facelock, hooked on the thigh, lifted vertically and driven into the mat on their head.

90. A suplex has many variants that involve throwing opponents on their back or head. The most dangerous suplex moves involve those off the top rope.

Nature of WWE Professional Wrestling Performances

91. The WWE has assumed a duty to govern the conduct of its wrestler's performances by creating, perpetuating, and directing that wrestlers perform these various moves. Upon investigation, wrestlers report that the WWE has continually engaged in a

pattern of behavior and practices deliberately designed to increase the injuries suffered by its wrestlers for the purposes of maximizing perceived “entertainment” value.

92. Instead of making sure there are adequate training and safety protocols in place, including stopping matches when wrestlers have sustained head injuries, the WWE, along with its staff, trainers, booking agents, doctors and medical professionals, have allowed wrestling events to continue, despite knowledge of the risks of harm to wrestlers.

93. During and after wrestling events, medical professionals and associated staff employed by the WWE have negligently or purposefully failed to diagnose concussions. Despite having assumed a duty to monitor head injuries, the WWE does little, if anything at all, for unseen neurological injuries. It downplays their significance and forces wrestlers to return to the ring too soon after they sustain a head injury.

94. Though the WWE publicly denies that it has any duty to its former wrestlers for long-term health care, the WWE has undertaken such a duty through the implementation of its “Talent Wellness Program” to monitor the health and safety of the wrestlers.

95. The WWE voluntarily assumed a duty on behalf of the wrestlers to acquire and provide guidance and scientific research on the link between brain injuries sustained by WWE wrestlers. WWE voluntarily placed itself in the position of controlling and/or directing information to and from wrestlers, including medical information and knowledge, and despite creating such a position for itself, failed to adequately communicate, educate, train, or instruct wrestlers in matters concerning medical matters and head injuries. Despite working to control the structure, information, and control of

operations, and despite knowledge available, WWE took no action to reduce the number or severity of concussions or other head injuries among its wrestlers.

96. Additionally WWE has voluntarily assumed a duty to its former wrestlers through its creation of a Professional Development Program and a Substance Abuse and Alcohol Program, both of which are offered to retired wrestlers who are no longer have any affiliation with the WWE.

Facts Concerning Named Plaintiff's Decedent: Nelson Lee Frazier, Jr.

97. Plaintiff's Decedent, Nelson Lee Frazier, Jr. was a WWE superstar, beginning his career with the organization at the age of 21 in 1993. He wrestled with the WWE for over fifteen years. He appeared regularly on most of the major WWE television programs. He wrestled during the main so-called eras of the WWE: the new generation era, the attitude era, and the ruthless aggression era, with transformation of his character figuring prominently into the storylines of the WWE in each era. His successful career led to various accomplishments within the WWE including Mr. Frazier being named World Tag Team champion, Hardcore Champion, and King of the Ring.



98. Mr. Frazier was known for his overwhelming size. His height and weight were variously billed as being 6' 9" tall and approximately 500 pounds. His current biography on the official WWE website explains: "this 487 pound monster was always one of the most intimidating Superstars in the WWE."³

99. Pro wrestling of the type the WWE promotes is obsessed with the size of the wrestlers. Being a "giant" is not only part of the act, it is a selling point to attract audiences and deliver profits for the WWE.

100. From 1993 to 1996, Frazier took the name Mabel and wrestled as part of a hip-hop themed tag team called Men on a Mission, abbreviated M.O.M, which also stood for the names of the team members: Mabel (Frazier) and a rapper manager named Oscar (Greg Girard), along with another wrestler named Mo (Robert Lawrence Horne). The act took advantage of the 1990s popularity of rap music with the wrestlers dressed in shiny purple suits and tights. Their mission was to 'make a difference' in inner cities and they conveyed positive upbeat attitudes.

101. As the act evolved, Frazier was recast as a thug or heel in 1995. This transformation resulted in Oscar leaving the WWE. He later told the media he objected to the negative recast of the team as being gangsters.⁴

102. The transformation was in part due to the fact that the new WWE hero, Diesel (Kevin Nash) needed a formidable opponent. This conflict eventually led Frazier to becoming the top villain in the WWE. In 1995 he won King of The Ring and became known as King Mabel.

³ See, WWE.com, <http://www.wwe.com/superstars/bigdaddyv>, last accessed February 12, 2015.

⁴ See, PWInsider.com, <http://pwinsider.com/article/41503/oscar-reveals-why-he-was-kicked-out-of-men-on-a-mission-why-pn-news-failed-details-on-the-mom-reunion-and-more-in-his-first-ever-shoot-interview.html?p=1>, last accessed February 13, 2015.

103. During an event known as SummerSlam!, Frazier injured his back. But he was returned to wrestle, one journalist observed, “McMahon was determined to get everything he could out of his investments in Mabel and moved him into a feud with the Undertaker.”⁵ The Undertaker, who was to become one of the most storied wrestlers in the history WWE, was injured in the match. In 1998 Frazier wrestled Ken Shamrock to compete for the king of the ring title again and lost.

104. In 1999 Frazier returned to the WWE’s very popular Monday night Raw, during the so-called Attitude Era, reintroduced as Viscera. The new character was part of a storyline of evil characters referred to as the Ministry of Darkness. Led by The Undertaker, the Ministry of Darkness included quasi-Satanic themed storylines that involved rituals, spells and sacrifices. The storyline had Mabel abducted by the Satanic Undertaker, who named him Viscera.

105. Viscera adopted a gothic costume that included white contact lenses that made him look like a zombie with a bleached Mohawk, black lipstick and a leather clad black bodysuit. Frazier wrestled as an enforcer of the Dark cult, in this leather costume.

106. Once the Ministry Act ceased, Frazier participated in so-called ‘hardcore’ wrestling. Hardcore Wrestling is a form of wrestling where ‘hardcore rules apply.’ These rules are characterized by the absence of rules: disqualifications, count outs and the regular rules do not apply. The matches take place in unusual environments using ladders, chairs, tables, thumbtacks, barbed wire, shovel, baseball bats, golf clubs, hammers, axes, chains and other improvised weapons. The WWE Hardcore

⁵ See, Edmonton Journal, http://blogs.edmontonjournal.com/2014/02/19/rip-nelson-frazier-jr-a-k-a-mabel-king-mabel-viscera-big-daddy-v/#__federated=1, last accessed February 13, 2015.

Championship Title was briefly held by Frazier in April of 2000 in a confused match with the title changing hands many times.

107. After a hiatus, Frazier returned to the WWE from 2004-2008 and assumed yet another identity, “The World’s Largest Love Machine.” These matches broadcast on the WWE Raw and Heat Television brands, featuring Frazier wrestling in Silk Pajamas and making overt sexual gestures in the ring. The storylines involved him attempting to seduce the Ring announcer Lillian Garcia, who he eventually won over. Garcia proposed to him in the ring, but another character, known as the Godfather, arrived with his “prostitutes” to show Viscera what he would be leaving behind if he accepted Garcia’s proposal. Viscera decided to forsake marriage after all and left Garcia crying in the ring. Afterwards, Viscera then teamed with wrestler named Val Venis to form V-Squared, where he performed for about a year on the WWE Heat Television program.



108. In his final year at the WWE, Frazier was recast a final time as Big Daddy V on another WWE Television series called ECW that broadcast on the Sci Fi Network.

In these matches Frazier wrestled bare chested, showing his enormous weight and sporting numerous tattoos on his chest. He was asked by the WWE Magazine about the meaning of the Tattoos. He explained, “It’s the sun and the crescent moon with the North Star. Just to make it simple, it’s a sign of my spirituality and my belief in our universe. I’ll leave it at that.”⁶ Frazier wrestled his last match on March 11, 2008, losing to CM Punk.

109. Phil Brooks, known as CM Punk who wrestled last with Frazier in the WWE, is a well-known star and considered the longest reigning Champion of the modern era. CM Punk made headlines in November of 2014 in a noisy exit from the WWE, telling the media that he was cleared to wrestle after sustaining severe injuries.

110. CM Punk has commented on the WWE’s concussion policy, saying the test is “bullshit” and that he passed the concussion test after getting hurt in November 2013, when he clearly should have failed. He explained that he only chose to continue to perform because he was WWE champion at the time.

111. As described in more detail above, Nelson Frazier, Jr. had an extremely long career performing under the direction of the WWE, including performing in many hardcore matches. He was first cast as Mabel, the loveable giant Hip-Hop with Men on a Mission; then King Mabel, a sort of “gangster rap” villain; then Viscera, the evil minion of the Satanic Undertaker; then the World’s Largest Love Machine; and finally as Big Daddy V. He performed these roles in these storylines, all of which were created by the WWE, at the direction of the WWE. The exploitive nature of many of these performances including roles that often cast him in an unflattering light, illustrate the nature of the

⁶ See, WWE.com, <http://www.wwe.com/inside/wwe-magazine-nelson-frazier-interview-26182788>, last accessed February 13, 2015.

WWE. The WWE uses people like Mr. Frazier who over his long tenure used his body to perform dangerous stunts, even though he had a complicated medical history, weight issues and heart conditions. As a direct result of these performances, he sustained countless head injuries, concussions, and numerous other physical injuries all without appropriate warnings about his long-term health or intervention and treatment by the WWE or its medical staff.

112. Mr. Frazier bore visible, physical signs of this long career. Mr. Frazier had large knots on his head, as the scar tissue on his skull formed into permanent lumps. He also evidenced indentations in his skull.

113. Before his untimely death, Frazier exhibited severe symptoms of neurological injuries, and other physical trauma. He suffered from confusion and disorientation: he often did not know ‘whether he was coming or going.’ Frazier had lost most of his short-term memory, could not remember discussions from moments or days before, and had difficulty performing basic tasks due to his inability to recall events or appointments. Frazier suffered from severe migraines for which he sought medical attention. Frazier suffered severe depression for which he sought medical attention. Frazier had sustained serious long-term brain damage from his WWE career.

114. Frazier’s broken spirit and body left him virtually penniless and he was forced to pay cash for medical services in the months before his death.

115. Nelson Frazier, Jr., in ailing health, collapsed after taking a shower in his home on February 18, 2014, his wife by his side. He had a massive heart attack and died at age 43.

**Nelson Frazier Wrestled Hundreds of Times for the WWE
Putting His Body in Harm's Way**

116. Throughout Nelson Frazier, Jr.'s WWE career he sustained numerous head injuries and wrestled on a rigorous schedule for the WWE throughout the United States and the world. He appeared in Tag Team, Singles and Championship events on televised and pay-per-view events including but not limited to: WWF Superstars of Wrestling, Monday Night Raw, WWF Wrestling Challenge, Wrestlemania, SummerSlam, WWF Action Zone, Royal Rumble, WWF Shotgun Saturday Night, WWF In Your House, WWF No Mercy, WWF Smackdown!, WWF Jakked, WWF Survivor Series, WWE Backlash, WWF No Way Out, King of The Ring, WWE Cyber Sunday, WWE Armageddon, WWE New Year's Revolution, WWE Saturday Night's Main Event, Over The Edge, Sunday Night Heat, Heat, and ECW.

117. On June 14, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Barry Hardy and Duane Gill in an event on WWF Wrestling Challenge in Columbus Ohio. Upon information and belief he sustained head and other long-term injuries by participating in this event.

118. On June 15, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Chad Miller and Mitch Bishop in an event on WWF Superstars of Wrestling in West Virginia. Upon information and belief he sustained head and other long-term injuries by participating in this event.

119. On July 6, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Brain Costello and The Brooklyn Brawler in an event on WWF Superstars of Wrestling In Wilkes-Barre, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

120. On July 7, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Glen Ruth and John Richner in an event on WWF Wrestling Challenge in Salisbury, Maryland. Upon information and belief he sustained head and other long-term injuries by participating in this event.

121. On July 19, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Hank Harris and Rich Myers in an event on WWF Monday Night Raw in New York City. Upon information and belief he sustained head and other long-term injuries by participating in this event.

122. On July 26th 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Iron Mike Sharpe and Jeff Libolt in an event on WWF Superstars of Wrestling in Utica, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

123. On July 27, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Gus Kantarakis and Reno Riggins in an event on WWF Wrestling Challenge in Plattsburgh, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

124. On August 16, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Barry Horowitz and Iron Mike Sharpe in an event on WWF Monday Night Raw in Poughkeepsie, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

125. On August 17, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Mark Thomas and Russ Greenberg in an event on WWF

Superstars of Wrestling in White Plains, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

126. On August 18, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Richie Rich in an event on WWF Wrestling Challenge in Lowell, Massachusetts. Upon information and belief he sustained head and other long-term injuries by participating in this event.

127. On August 31, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Damien Demento and Rock Warner in an event on WWF Superstars of Wrestling in Grand Rapids, Michigan. Upon information and belief he sustained head and other long-term injuries by participating in this event.

128. On September 1, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Chad Miller and Red Tyler in an event on WWF Wrestling Challenge in Saginaw, Michigan. Upon information and belief he sustained head and other long-term injuries by participating in this event.

129. On September 25th, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Steven Dunn and Timothy Well (The tag team called Well Dunn) in the WWF Madison Square Garden Show in New York City. Upon information and belief he sustained head and other long-term injuries by participating in this event.

130. On September 27th, 1993 Frazier performed as Mabel on Monday Night Raw in a twenty man Battle Royale in New Haven, Connecticut. Upon information and belief he sustained head and other long-term injuries by participating in this event.

131. On September 29th, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Jacques Rougeau and Pierre Ouellette (The Tag team known as The Quebecers) on WWF Wrestling Challenge in Portland, Maine. Upon information and belief he sustained head and other long-term injuries by participating in this event.

132. On October 18, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Steve Greenman and Todd Mata on Monday Night Raw in Poughkeepsie, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

133. On October 19, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing the Executioners on WWF Wrestling Challenge in Glen Falls, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

134. On October 20, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing the Chuck Greenman and Iron Mike Sharpe on WWF Superstars of Wrestling in Burlington, Vermont. Upon information and belief he sustained head and other long-term injuries by participating in this event.

135. On November 8, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Corey Student and Steve Smith on Monday Night Raw in Bushkill, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

136. On November 9, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Joe Brennon and The Brooklyn Brawler in an event on

WWF Wrestling Challenge in Carbondale, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

137. On November 10, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Gus Kantarakis and Steve Smith in an event on WWF Superstars of Wrestling in Delhi, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

138. On November 24, 1993, Thanksgiving Eve Frazier performed as Mabel in the WWF Survivor Series, a live pay-per-view event in the Boston Garden. A quick look at the participants in this match reveals that an almost inconceivable number of wrestlers that participated in this event are now deceased. The dead performers at this single event alone deliver a stark message: Nelson Frazier, Jr. (Mabel) dead at age 43; Scott Charles Bigelow (Bam Bam Bigelow) dead at age of 45; Gertrude Elizabeth Vachon (Luna Vachon) dead at age 48; Tony Halme (Ludvig Borga) dead at the age of 47; Owen Hart dead at age 34; Brian Keith Adams (Crush) dead at the age of 43; Rodney Agatupu Anoa'I, (Yokozuna) dead at age 34; Mike Shaw (Bastion Booger) dead at age 53 and Randy 'Macho Man' Savage one of the all time WWE stars dead at age 58. The dead are the main stars of the event and based on a count of the card, appear to represent more than one-quarter of the named participants. Upon information and belief Nelson Frazier, Jr. sustained head and other long-term injuries by participating in this event.

139. On November 30, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Chris Duffey and Reno Riggins in an event on WWF Wrestling Challenge in Springfield, Massachusetts. Upon information and belief he sustained head and other long-term injuries by participating in this event.

140. On December 1, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Iron Mike Sharpe and Mike Bell in an event on WWF Superstars of Wrestling in Utica, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

141. On December 13, 1993 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Barry Hardy and Duane Gill in an event on WWF Monday Night Raw in Poughkeepsie, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

142. On January 10, 1994 Frazier performed as Mabel with Men on a Mission in an event on WWF Monday Night Raw in Richmond, Virginia. Upon information and belief he sustained head and other long-term injuries by participating in this event.

143. On January 11, 1994 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Fidel Sierra and Terry Thomas in an event on WWF Wrestling Challenge in Florence, South Carolina. Upon information and belief he sustained head and other long-term injuries by participating in this event.

144. On January 12, 1994 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Joey Stallings and Terry Austin in an event on WWF Superstars of Wrestling in Fayetteville, North Carolina. Upon information and belief he sustained head and other long-term injuries by participating in this event.

145. On January 17, 1994 Frazier performed as Mabel with Men on a Mission in the WWF Madison Square Garden Show in New York City. Upon information and belief he sustained head and other long-term injuries by participating in this event.

146. On January 22, 1994 Frazier performed as Mabel with Men on a Mission at the WWF Royal Rumble- a pay-per-view event in Providence, Rhode Island. Upon information and belief he sustained head and other long-term injuries by participating in this event.

147. On February 2, 1994 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Chris Duffey and Iron Mike Sharpe in an event on WWF Wrestling Challenge in Springfield, Massachusetts. Upon information and belief he sustained head and other long-term injuries by participating in this event.

148. On February 21, 1994 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Steve Smith and The Brooklyn Brawler in an event on WWF Monday Night Raw in Poughkeepsie, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

149. On February 22, 1994 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Jim Messenger and Todd Mata in an event on WWF Superstars of Wrestling in Bethlehem, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

150. On February 23, 1994 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Derek Domino and Mike Bell in an event on WWF Wrestling Challenge in Locksheldreke, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

151. On March 20, 1994 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Jacques Rougeau and Pierre Ouellette (The Tag team known as The Quebecers) Wrestlemania X, In Madison Square Garden in New York

City. Wrestlemania is the main annual event of the WWE, this match was voted match of the year, and according to Pro Wrestling Illustrated: 'one of the most groundbreaking matches in wrestling history.' Wrestlemania X was the first WWE event to feature a ladder match. A ladder is placed in the ring to be climbed to launch attacks and used as a weapon itself. Upon information and belief he sustained head and other long-term injuries by participating in this event.

152. On March 22, 1994 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Joey Stallings and The Black Phantom in an event on WWF Superstars of Wrestling in Lowell, Massachusetts. Upon information and belief he sustained head and other long-term injuries by participating in this event.

153. On March 23, 1994 Frazier performed as Mabel with Men on a Mission in a Tag Team match opposing Emilio Ulicia and Iron Mike Sharpe in an event on WWF Wrestling Challenge in White Plains, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

154. On April 11, 1994 Frazier performed as Mabel with Men on a Mission in a Tag Team Match opposing Jacques Rougeau and Pierre Ouellette (The Tag team known as The Quebecers) on WWF Monday Night Raw in Utica, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

155. On April 13, 1994 Frazier performed as Mabel in matches opposing Jim Messenger and Pierre Ouellette in an event on WWF Superstars of Wrestling in Rochester, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

156. On April 26, 1994 Frazier performed as Mabel in a match opposing Mike Bell on WWF Monday Night Raw in Burlington, Vermont. Upon information and belief he sustained head and other long-term injuries by participating in this event.

157. On April 27, 1994 Frazier performed as Mabel in a match opposing Iron Mike Sharpe in an event on WWF Superstars of Wrestling in Albany, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

158. On April 28, 1994 Frazier performed as Mabel in a match opposing Corey Student in an event on WWF Wrestling Challenge in Springfield, Massachusetts. Upon information and belief he sustained head and other long-term injuries by participating in this event.

159. On May 20, 1994 Frazier performed as Mabel in matches with Bam Bam Bigelow and Kwang at the WWF Madison Square Garden Show in New York City. Upon information and belief he sustained head and other long-term injuries by participating in this event.

160. On May 24, 1994 Frazier performed as Mabel in a match opposing Curtis Harrison in an event on WWF Wrestling Challenge in Canton, Ohio. Upon information and belief he sustained head and other long-term injuries by participating in this event.

161. On May 25, 1994 Frazier performed as Mabel in a Match opposing Nikolai Volkoff in an event on WWF Superstars of Wrestling in Erie, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

162. On June 19, 1994 Frazier performed as Mabel in a match opposing Irwin R Schyster in the WWF King of the Ring Pay-per-view event in Baltimore Maryland. Upon information and belief he sustained head and other long-term injuries by participating in this event.

163. On June 21, 1994 Frazier performed as Mabel in a match opposing The Black Phantom in an event on WWF Superstars of Wrestling in Wilkes-Barre, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

164. On June 22, 1994 Frazier performed as Mabel in a match opposing Tony Devito in an event on WWF Wrestling Challenge in Poughkeepsie, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

165. On June 27, 1994 Frazier performed as Mabel in a match opposing Bam Bam Bigelow and Luna Vachon On WWF Monday Night Raw in White Plains, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

166. On June 29, 1994 Frazier performed as Mabel in a Live WWF match opposing Bam Bam Bigelow in Bakersfield, California. Upon information and belief he sustained head and other long-term injuries by participating in this event.

167. On July 1, 1994 Frazier performed as Mabel in a match opposing Austin Steele On WWF Monday Night Raw in Bushkill, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

168. On July 2, 1994 Frazier performed as Mabel in a match opposing Crush and Yokozuna in an event on WWF Wrestling Challenge in Bethlehem, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

169. On August 2, 1994 Frazier performed as Mabel in a match opposing Barry Horowitz in an event on WWF Superstars of Wrestling in Wheeling, West Virginia. Upon information and belief he sustained head and other long-term injuries by participating in this event.

170. On August 15, 1994 Frazier performed as Mabel in a match opposing Raymond Roy on Monday Night Raw in Lowell, Massachusetts. Upon information and belief he sustained head and other long-term injuries by participating in this event.

171. On August 16, 1994 Frazier performed as Mabel in a match opposing Bill Motta in the WWF Madison Square Garden show in New York City. Upon information and belief he sustained head and other long-term injuries by participating in this event.

172. On August 25, 1994 Frazier performed as Mabel in a match opposing Jeff Jarrett in the WWF SummerSlam in Chicago, Illinois. Upon information and belief he sustained head and other long-term injuries by participating in this event.

173. On August 31, 1994 Frazier performed as Mabel in a match opposing George Anderson in an event on WWF Superstars of Wrestling in Green Bay, Wisconsin. Upon information and belief he sustained head and other long-term injuries by participating in this event.

174. On September 26, 1994 Frazier performed as Mabel in a match opposing Reno Riggins on Monday Night Raw in Utica, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

175. On September 27, 1994 Frazier performed as Mabel in a match on the WWF Superstars of Wrestling in Poughkeepsie, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

176. On October 19, 1994 Frazier performed as Mabel in a match opposing Barry Horowitz and Reno Riggins in an event on WWF Wrestling Challenge in Albany, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

177. On October 19, 1994 Frazier performed as Mabel in a match opposing Yokozuna in an event called WWF Action Zone in Albany, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

178. On November 7, 1994 Frazier performed as Mabel in a match opposing The Blue Phantom on Monday Night Raw in Bushkill, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

179. On November 8, 1994 Frazier performed as Mabel and Mo in a match on the WWF Superstars of Wrestling in Bushkill, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

180. On November 9, 1994 Frazier performed as Mabel and Mo in a match opposing J.S. Storm and Mike Haywood in an event on WWF Wrestling Challenge in Bethlehem, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

181. On November 23, 1994 Frazier performed as Mabel in The WWF Survivor Series pay-per-view event in San Antonio, Texas. Upon information and belief he sustained head and other long-term injuries by participating in this event.

182. On November 26, 1994 Frazier performed as Mabel in The WWF Madison Square Garden Show in New York City. Upon information and belief he sustained head and other long-term injuries by participating in this event.

183. On November 29, 1994 Frazier performed as Mabel and Mo in a match on the WWF Superstars of Wrestling in Poughkeepsie, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

184. On November 30, 1994 Frazier performed as Mabel in a match opposing Mike Bell in an event on WWF Wrestling Challenge in Lowell, Massachusetts. Upon information and belief he sustained head and other long-term injuries by participating in this event.

185. On December 10, 1994 Frazier performed as Mabel in a match opposing Iron Mike Sharpe on the WWF Superstars of Wrestling in Delaware. Upon information and belief he sustained head and other long-term injuries by participating in this event.

186. On December 13, 1994 Frazier performed as Mabel in a match on WWF Wrestling Challenge in Liberty, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

187. On January 9, 1995 Frazier performed as Mabel in a match opposing Lee Toblin on Monday Night Raw in Houston, Texas. Upon information and belief he sustained head and other long-term injuries by participating in this event.

188. On January 10, 1995 Frazier performed as Mabel and Mo in a match on the WWF Superstars of Wrestling in Corpus Christi, Texas. Upon information and belief he sustained head and other long-term injuries by participating in this event.

189. On January 11, 1995 Frazier performed as Mabel and Mo in a match opposing Adam Croom and Butch Long in an event on WWF Wrestling Challenge in South Padre Island, Texas. Upon information and belief he sustained head and other long-term injuries by participating in this event.

190. On January 22, 1995 Frazier performed as Mabel in the WWF Royal Rumble event in Tampa, Florida. Upon information and belief he sustained head and other long-term injuries by participating in this event.

191. On January 23, 1995 Frazier performed as Mabel in a match opposing King Kong Bundy on Monday Night Raw in Palmetto, Florida. Upon information and belief he sustained head and other long-term injuries by participating in this event.

192. On January 24, 1995 Frazier performed as Mabel in a match on the WWF Superstars of Wrestling in West Palm Beach, Florida. Upon information and belief he sustained head and other long-term injuries by participating in this event.

193. On January 25, 1995 Frazier performed as Mabel and Mo in a match on the WWF Wrestling Challenge in Fort Meyers, Florida. Upon information and belief he sustained head and other long-term injuries by participating in this event.

194. On February 22, 1995 Frazier performed as Mabel and Mo in a match opposing Gary Sabaugh and Ken Raper on the WWF Wrestling Challenge in North Charleston, West Virginia. Upon information and belief he sustained head and other long-term injuries by participating in this event.

195. On April 3, 1995 Frazier performed as Mabel and Mo in a match opposing Ben Jordan and Tony Roy on Monday Night Raw in Poughkeepsie, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

196. On April 4, 1995 Frazier performed as Mabel and Mo in a match Opposing Bill Payne and Buck Quartermaine the WWF Superstars of Wrestling in Glen Falls, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

197. On April 5, 1995 Frazier performed as Mabel and Mo in a match opposing Charlie Hunter and John Sinouski on the WWF Wrestling Challenge in Lowell, Massachusetts. Upon information and belief he sustained head and other long-term injuries by participating in this event.

198. On April 24, 1995 Frazier performed as Mabel and Mo in a match opposing Buck Zumhofe and Tommy Ferrara on Monday Night Raw in Omaha, Nebraska. Upon information and belief he sustained head and other long-term injuries by participating in this event.

199. On April 25, 1995 Frazier performed as Mabel and Mo in a match opposing Bill Duke and Kevin Krueger on WWF Superstars of Wrestling in Des Moines, Iowa. Upon information and belief he sustained head and other long-term injuries by participating in this event.

200. On April 26, 1995 Frazier performed as Mabel and Mo in a match opposing Butler Stevens and Ron Hagan on the WWF Wrestling Challenge in Moline,

Illinois. Upon information and belief he sustained head and other long-term injuries by participating in this event.

201. On May 14, 1995 Frazier performed as Mabel a match opposing Adam Bomb on the WWF in Your House Pay-Per-View Event in Syracuse, New York . Upon information and belief he sustained head and other long-term injuries by participating in this event.

202. On May 15, 1995 Frazier performed as Mabel and Mo in a match opposing Adam Ferguson and Gary Scott on Monday Night Raw in Binghamton, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

203. On May 16, 1995 Frazier performed as Mabel and Mo in a match opposing Russ Greenberg and Tim McNeary on WWF Superstars of Wrestling in Danbury, Connecticut. Upon information and belief he sustained head and other long-term injuries by participating in this event.

204. On May 17, 1995 Frazier performed as Mabel and Mo in a match opposing Aaron Ferguson and Laurice Moralis on the WWF Wrestling Challenge in Springfield, Massachusetts. Upon information and belief he sustained head and other long-term injuries by participating in this event.

205. On June 6, 1995 Frazier performed as Mabel and Mo in a match opposing Jerry Flynn and Mike McReynolds on WWF Superstars of Wrestling in Wheeling, West Virginia. Upon information and belief he sustained head and other long-term injuries by participating in this event.

206. On June 7, 1995 Frazier performed as Mabel a match opposing David Haskins on the WWF Wrestling Challenge in Johnstown, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

207. On June 10, 1995 Frazier performed as Mabel and Mo a match opposing Bart Gunn and Billy Gunn (Smoking Guns) at the WWF Madison Square Garden Show in New York City. Upon information and belief he sustained head and other long-term injuries by participating in this event.

208. On June 25, 1995 Frazier performed as Mabel a match opposing the Undertaker on the WWF King of the Ring in Philadelphia, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

209. On June 26, 1995 Frazier performed as King Mabel a match opposing Kenny Kendall on the WWF Monday Night Raw in Danville, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

210. On June 27, 1995 Frazier performed as King Mabel and Sir Mo in a match opposing Bart Gunn and Billy Gunn (Smoking Guns) on WWF Superstars of Wrestling in Bethlehem, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

211. On July 23, 1995 Frazier performed as King Mabel and Sir Mo in a match opposing Razor Ramon and Savio Vega on WWF In Your House Program in Nashville,

Tennessee. Upon information and belief he sustained head and other long-term injuries by participating in this event.

212. On July 24, 1995 Frazier performed as King Mabel in a match opposing Nick Barbarry on Monday Night Raw in Louisville, Kentucky. Upon information and belief he sustained head and other long-term injuries by participating in this event.

213. On July 25, 1995 Frazier performed as King Mabel in a match opposing Gary Scott on WWF Superstars of Wrestling in Evansville, Indiana. Upon information and belief he sustained head and other long-term injuries by participating in this event.

214. On August 12, 1995 Frazier performed as King Mabel and Sir Mo a match opposing Diesel and Shawn Michaels at the WWF Madison Square Garden Show in New York City. Upon information and belief he sustained head and other long-term injuries by participating in this event.

215. On August 14, 1995 Frazier performed as King Mabel and Sir Mo a match opposing Diesel and Shawn Michaels and Joe Hanlock and Roy Raymond at the WWF Action Zone and Monday Night Raw in Worcester, Massachusetts. Upon information and belief he sustained head and other long-term injuries by participating in this event.

216. On August 15, 1995 Frazier performed as King Mabel in a match opposing Bam Bam Bigelow on Superstars of Wrestling in Portland, Maine. Upon information and belief he sustained head and other long-term injuries by participating in

this event.



217. On August 27, 1995 Frazier performed as King Mabel in a match opposing Diesel on SummerSlam in Pittsburg, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

218. On August 28, 1995 Frazier performed as King Mabel and Sir Mo a match opposing Owen Hart and razor Ramon on Monday Night Raw in Canton, Ohio. Upon information and belief he sustained head and other long-term injuries by participating in this event.

219. On October 6, 1995 Frazier performed as King Mabel in a match opposing The Undertaker at the WWF Madison Square Garden Show in New York City. Upon

information and belief he sustained head and other long-term injuries by participating in this event.

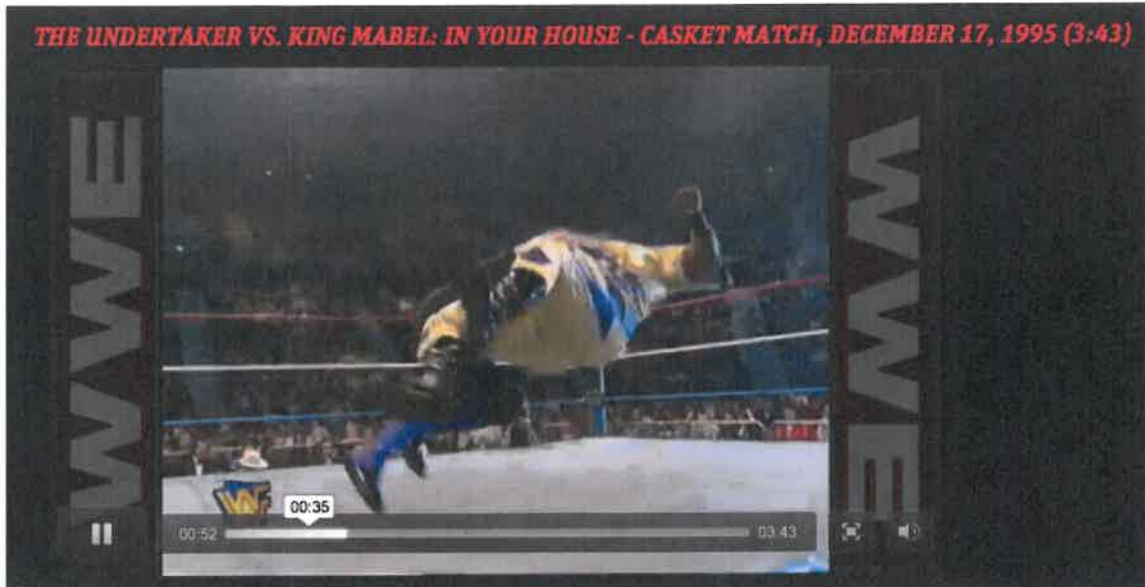
220. On October 22, 1995 Frazier performed as Mabel in a match opposing Yokozuna in WWF on Your House 4: Great White North in Winnipeg, Manitoba. Upon information and belief he sustained head and other long-term injuries by participating in this event.

221. On October 23, 1995 Frazier performed as King Mabel in a match opposing Roy Raymond on WWF Monday Night Raw in Brandon, Manitoba. Upon information and belief he sustained head and other long-term injuries by participating in this event.

222. On October 24, 1995 Frazier performed as King Mabel in a match opposing Tim McNeary on WWF Superstars of Wrestling in Regina, Saskatchewan. Upon information and belief he sustained head and other long-term injuries by participating in this event.

223. On November 19, 1995 Frazier performed as Mabel along with Hunter Hearst Helmsley (Triple H) and Jerry Lawler in a match opposing The Undertaker, Fatu and Savio Vega on WWF Survivor Series in Landover, Maryland. Upon information and belief he sustained head and other long-term injuries by participating in this event.

224. On November 21, 1995 Frazier performed as King Mabel in a match opposing Dave Thornberg and Jerry Faith on WWF Superstars of Wrestling in Salisbury, Maryland. Upon information and belief he sustained head and other long-term injuries by participating in this event.



225. On December 17, 1995 Frazier performed as King Mabel in a match opposing The Undertaker in WWF on Your House 5: Seasons Beatings in Hershey, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

226. On December 18, 1995 Frazier performed as King Mabel in a match opposing Diesel on WWF Monday Night Raw in Newark, Delaware. Upon information and belief he sustained head and other long-term injuries by participating in this event.

227. On January 21, 1996 Frazier performed as King Mabel on WWF Royal Rumble in Fresno, California. Upon information and belief he sustained head and other long-term injuries by participating in this event.

228. On January 24, 1999 Frazier performed as Mabel in WWF Sunday Night Heat in Anaheim, California. Upon information and belief he sustained head and other long-term injuries by participating in this event.

229. On January 24, 1999 Frazier performed as King Mabel on WWF Royal Rumble in Anaheim, California. Upon information and belief he sustained head and other long-term injuries by participating in this event.

230. On January 26, 1999 Frazier performed as Viscera along with Mideon and The Undertaker on WWF Monday Night Raw in Tuscon, Arizona. Upon information and belief he sustained head and other long-term injuries by participating in this event.

231. On February 8, 1999 Frazier performed as Viscera in a match up with The Godfather on WWF Monday Night Raw in Toronto, Ontario. Upon information and belief he sustained head and other long-term injuries by participating in this event.

232. On February 14, 1999 Frazier performed as Viscera in a match up with Test on WWF Sunday Night Heat in Memphis Tennessee. Upon information and belief he sustained head and other long-term injuries by participating in this event.

233. On February 15, 1999 Frazier performed as Viscera in a match up with Tiger Ali Singh on WWF Shotgun Saturday Night in Birmingham, Alabama. Upon information and belief he sustained head and other long-term injuries by participating in this event.

234. On February 16, 1999 Frazier performed as Viscera in a match up with Big Boss Man on WWF Sunday Night Heat in Chattanooga Tennessee. Upon information and belief he sustained head and other long-term injuries by participating in this event.

235. On March 1, 1999 Frazier performed as Viscera in a match up with Tiger Ali Singh on WWF Shotgun Saturday Night in Cleveland, Ohio. Upon information and belief he sustained head and other long-term injuries by participating in this event.

236. On March 22, 1999 Frazier performed as Viscera on WWF Shotgun Saturday Night in Albany, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

237. On March 28, 1999 Frazier performed as Viscera on WWF Sunday Night Heat in Philadelphia, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

238. On March 30, 1999 Frazier performed as Viscera in a Match with Ken Shamrock on Monday Night Raw in Uniondale, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

239. On April 13, 1999 Frazier performed as Viscera on WWF Sunday Night Heat and on Monday Night Raw (in a match with Big Show) in Grand Rapids Michigan. Upon information and belief he sustained head and other long-term injuries by participating in this event.

240. On April 25, 1999 Frazier performed as Viscera in a Match with Test on WWF Sunday Night Heat in Providence, Rhode Island. Upon information and belief he sustained head and other long-term injuries by participating in this event.

241. On May 2, 1999 Frazier performed as Viscera in a Match with Test on Monday Night Raw in San Diego, California. Upon information and belief he sustained head and other long-term injuries by participating in this event.

242. On May 16, 1999 Frazier performed as Viscera in a 6-person tag team on WWF No Mercy in Manchester, England. Upon information and belief he sustained head and other long-term injuries by participating in this event.

243. On May 23, 1999 Frazier performed as Viscera in an 8-person tag team on WWF Over The Edge Pay-Per-View event in Kansas City, Missouri. During this event Owen Hart fell to his death in a failed stunt. Upon information and belief he sustained head and other long-term injuries by participating in this event.

244. On May 24, 1999 Frazier performed as Viscera on WWF Shotgun Saturday Night in St. Louis, Missouri. Upon information and belief he sustained head and other long-term injuries by participating in this event.

245. On May 25, 1999 Frazier performed as Viscera in a Match with Billy Gunn on WWF Sunday Night Heat in Moline, Illinois. Upon information and belief he sustained head and other long-term injuries by participating in this event.

246. On June 6, 1999 Frazier performed as Viscera on WWF Shotgun Saturday Night in Uniondale, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

247. On June 14, 1999 Frazier performed as Viscera on WWF Monday Night Raw in Worcester, Massachusetts. Upon information and belief he sustained head and other long-term injuries by participating in this event.

248. On June 21, 1999 Frazier performed as Viscera in a match with Mark Henry on WWF Monday Night Raw in Memphis, Tennessee. Upon information and belief he sustained head and other long-term injuries by participating in this event.

249. On June 27, 1999 Frazier performed as Viscera in a match with Big Boss man on WWF Sunday Night Heat in Greensboro, North Carolina. Upon information and belief he sustained head and other long-term injuries by participating in this event.

250. On June 28, 1999 Frazier performed as Viscera in a match with D-Lo Brown on WWF Shotgun Saturday Night in Charlotte, North Carolina. Upon information and belief he sustained head and other long-term injuries by participating in this event.

251. On June 29, 1999 Frazier performed as Viscera in a match with Hardcore Holly on WWF Sunday Night Heat in Fayetteville, North Carolina. Upon information and belief he sustained head and other long-term injuries by participating in this event.

252. On July 11, 1999 Frazier performed as Viscera in a six man tag team match on WWF Sunday Night Heat in Indianapolis, Indiana. Upon information and belief he sustained head and other long-term injuries by participating in this event.

253. On July 12, 1999 Frazier performed as Viscera on WWF Shotgun Saturday Night in Louisville, Kentucky. Upon information and belief he sustained head and other long-term injuries by participating in this event.

254. On July 25, 1999 Frazier performed as Viscera in a match with Christian on WWF Sunday Night Heat in Buffalo, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

255. On July 27, 1999 Frazier performed as Viscera in a match with Big Boss Man on WWF Monday Night Raw in Columbus, Ohio. Upon information and belief he sustained head and other long-term injuries by participating in this event.

256. On August 8, 1999 Frazier performed as Viscera with Mideon in a match with Christian and Edge on WWF Shotgun Saturday Night in Detroit, Michigan. Upon information and belief he sustained head and other long-term injuries by participating in this event.

257. On August 22, 1999 Frazier performed as Viscera on WWF SummerSlam in Minneapolis, Minnesota. Upon information and belief he sustained head and other long-term injuries by participating in this event.

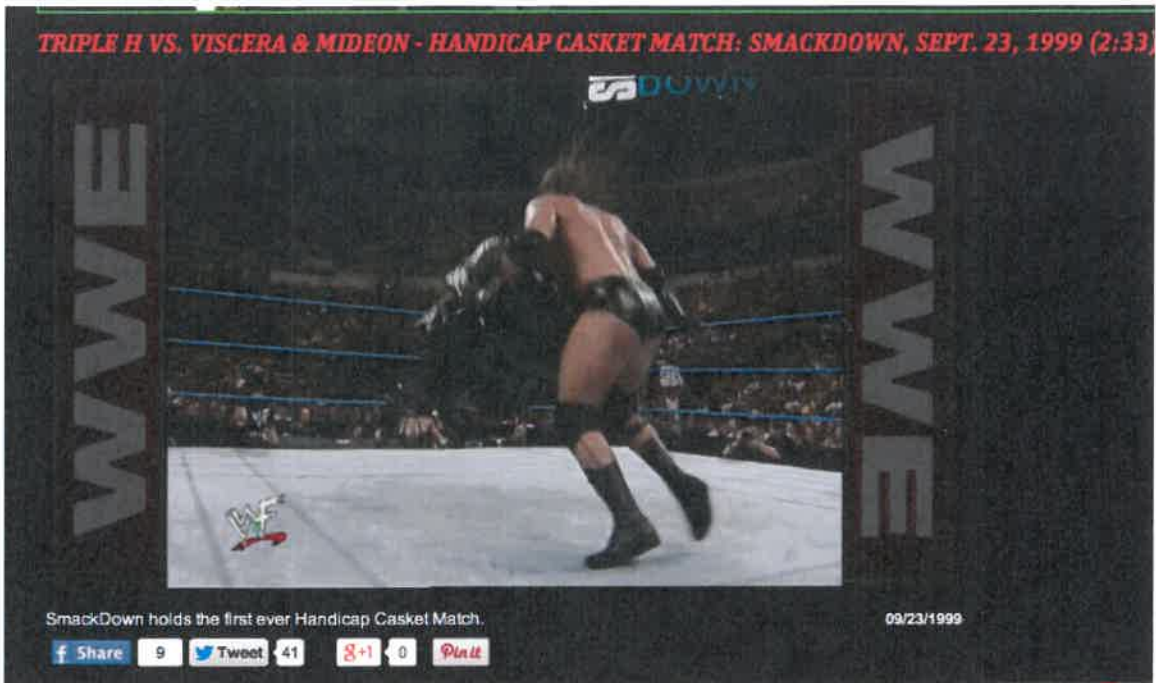
258. On August 23, 1999 Frazier performed as Viscera with Mideon in a match with Kane and X-Pac on WWF Monday Night Raw in Ames, Iowa. Upon information and belief he sustained head and other long-term injuries by participating in this event.

259. On August 31, 1999 Frazier performed as Viscera with Mideon in a match with Crash Holly and Hardcore Holly on WWF Smackdown in Worcester, Massachusetts. Upon information and belief he sustained head and other long-term injuries by participating in this event.

260. On September 6, 1999 Frazier performed as Viscera in a match with Prince Albert on WWF Jakked in Hartford, Connecticut. Upon information and belief he sustained head and other long-term injuries by participating in this event.

261. On September 20, 1999 Frazier performed as Viscera with Mideon and The Big Show in a match with Mankind and the Rock on WWF Monday Night Raw in Houston, Texas. Upon information and belief he sustained head and other long-term injuries by participating in this event.

262. On September 21, 1999 (air date September 23, 1999) Frazier performed as Viscera and Mideon in a match with Triple H on WWF Smackdown! in Dallas Texas. Upon information and belief he sustained head and other long-term injuries by participating in this event.



263. On October 5, 1999 Frazier performed as Viscera with Mideon in a match with Kane and X-Pac on WWF Smackdown in Uniondale, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

264. On October 11, 1999 Frazier performed as Viscera with Mideon in a match with Bubba Ray Dudley and D-Von Dudley on WWF Jakked in Atlanta, Georgia. Upon information and belief he sustained head and other long-term injuries by participating in this event.

265. On October 18, 1999 Frazier performed as Viscera in a match with The Godfather on WWF Monday Night Raw in Columbus, Ohio. Upon information and belief he sustained head and other long-term injuries by participating in this event.

266. On October 19, 1999 Frazier performed as Viscera with Mideon in a match with Mark Henry and the Godfather on WWF Smackdown in Louisville,

Kentucky. Upon information and belief he sustained head and other long-term injuries by participating in this event.

267. On October 25, 1999 Frazier performed as Viscera in a match with The Godfather on WWF Monday Night Raw in Providence, Rhode Island. Upon information and belief he sustained head and other long-term injuries by participating in this event.

268. On October 26, 1999 Frazier performed as Viscera with Mark Henry in a match with Jeff Hardy and Matt Hardy on WWF Smackdown! in Springfield, Massachusetts. Upon information and belief he sustained head and other long-term injuries by participating in this event.

269. On October 30, 1999 Frazier performed as Viscera in a match with The Godfather on WWF Madison Square Garden Show in New York City. Upon information and belief he sustained head and other long-term injuries by participating in this event.

270. On November 1, 1999 Frazier performed as Viscera with Mideon in a match with Bradshaw and Faarooq on WWF Jakked in Washington, DC. Upon information and belief he sustained head and other long-term injuries by participating in this event.

271. On November 2, 1999 Frazier performed as Viscera with Mideon in a match with Bradshaw and Faarooq on WWF Sunday Night Heat in Philadelphia, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

272. On November 8, 1999 Frazier performed as Viscera in a match with Crash Holly on WWF Jakked in State College, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

273. On November 14, 1999 Frazier performed as Viscera in a match with The Big Show on WWF Survivor Series in Detroit, Michigan. Upon information and belief he sustained head and other long-term injuries by participating in this event.

274. On November 16, 1999 Frazier performed as Viscera in a match with Kane on WWF Smackdown! in Cincinnati, Ohio. Upon information and belief he sustained head and other long-term injuries by participating in this event.

275. On January 17, 2000 Frazier performed as Viscera in a match with Gangrel on WWF Jakked in New Haven, Connecticut. Upon information and belief he sustained head and other long-term injuries by participating in this event.

276. On January 18, 2000 Frazier performed as Viscera in a match with Crash Holly on WWF Smackdown! in Providence, Rhode Island. Upon information and belief he sustained head and other long-term injuries by participating in this event.

277. On January 23, 2000 Frazier performed as Viscera in a Royal Rumble match in Madison Square Garden in New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

278. On January 24, 2000 Frazier performed as Viscera with Crash Holly on WWF Monday Night Raw in Philadelphia, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

279. On January 25, 2000 Frazier performed as Viscera in a match with Hardcore Holly on WWF Smackdown! in Baltimore, Maryland. Upon information and belief he sustained head and other long-term injuries by participating in this event.

280. On January 31, 2000 Frazier performed as Viscera in a match with Crash Holly and Hardcore Holly on WWF Monday Night Raw in Pittsburg, Pennsylvania.

Upon information and belief he sustained head and other long-term injuries by participating in this event.

281. On February 1, 2000 Frazier performed as Viscera in a match with Prince Albert on WWF Sunday Night Heat in Detroit, Michigan. Upon information and belief he sustained head and other long-term injuries by participating in this event.

282. On February 7, 2000 Frazier performed as Viscera in a match with Chris Jericho on WWF Monday Night Raw in Dallas, Texas. Upon information and belief he sustained head and other long-term injuries by participating in this event.

283. On February 8, 2000 Frazier performed as Viscera in a match with Sho Funaki on WWF Sunday Night Heat in Austin, Texas. Upon information and belief he sustained head and other long-term injuries by participating in this event.

284. On February 21, 2000 Frazier performed as Viscera in a Tag Team on WWF Monday Night Raw in Atlanta, Georgia. Upon information and belief he sustained head and other long-term injuries by participating in this event.

285. On February 27, 2000 Frazier performed as Viscera in a match with Mark Henry on WWF No Way Out in Hartford, Connecticut. Upon information and belief he sustained head and other long-term injuries by participating in this event.

286. On February 29, 2000 Frazier performed as Viscera in a match with Test on WWF Smackdown! in Trenton, New Jersey. Upon information and belief he sustained head and other long-term injuries by participating in this event.

287. On March 6, 2000 Frazier performed as Viscera in a match with Crash Holly on WWF Monday Night Raw in Springfield, Massachusetts. Upon information and belief he sustained head and other long-term injuries by participating in this event.

288. On March 7, 2000 Frazier performed as Viscera in a match with Matt Hardy on WWF Sunday Night Heat in Boston, Massachusetts. Upon information and belief he sustained head and other long-term injuries by participating in this event.

289. On March 13, 2000 Frazier performed as Viscera in a match with J.R. Ryder on WWF Jakked in East Rutherford, New Jersey. Upon information and belief he sustained head and other long-term injuries by participating in this event.

290. On March 14, 2000 Frazier performed as Viscera in a match with Val Venis on WWF Sunday Night Heat in Uniondale, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

291. On March 27, 2000 Frazier performed as Viscera in a Tag team match on WWF Jakked in Houston, Texas. Upon information and belief he sustained head and other long-term injuries by participating in this event.

292. On March 28, 2000 Frazier performed as Viscera in a match with Al Snow on WWF Sunday Night Heat in San Antonio, Texas. Upon information and belief he sustained head and other long-term injuries by participating in this event.

293. On April 2, 2000 Frazier performed as Viscera in Wrestlemania 2000 in Anaheim, California. Upon information and belief he sustained head and other long-term injuries by participating in this event.

294. On April 3, 2000 Frazier performed as Viscera in a match with Al Snow on WWF Jakked in Los Angeles, California. Upon information and belief he sustained head and other long-term injuries by participating in this event.

295. On April 4, 2000 Frazier performed as Viscera in a match with Chris Jericho on WWF Sunday Night Heat in San Jose, California. Upon information and belief he sustained head and other long-term injuries by participating in this event.

296. On September 21, 2004 Frazier performed as Viscera in a match with The Undertaker on WWF Smackdown! in Phoenix, Arizona. Upon information and belief he sustained head and other long-term injuries by participating in this event.

297. On November 1, 2004 Frazier performed as Viscera in a match with Shelton Benjamin on WWF Monday Night Raw in Peoria, Illinois. Upon information and belief he sustained head and other long-term injuries by participating in this event.

298. On November 15, 2004 Frazier performed as Viscera in a match with Steven Lee on WWF Sunday Night Heat in Indianapolis, Indiana. Upon information and belief he sustained head and other long-term injuries by participating in this event.

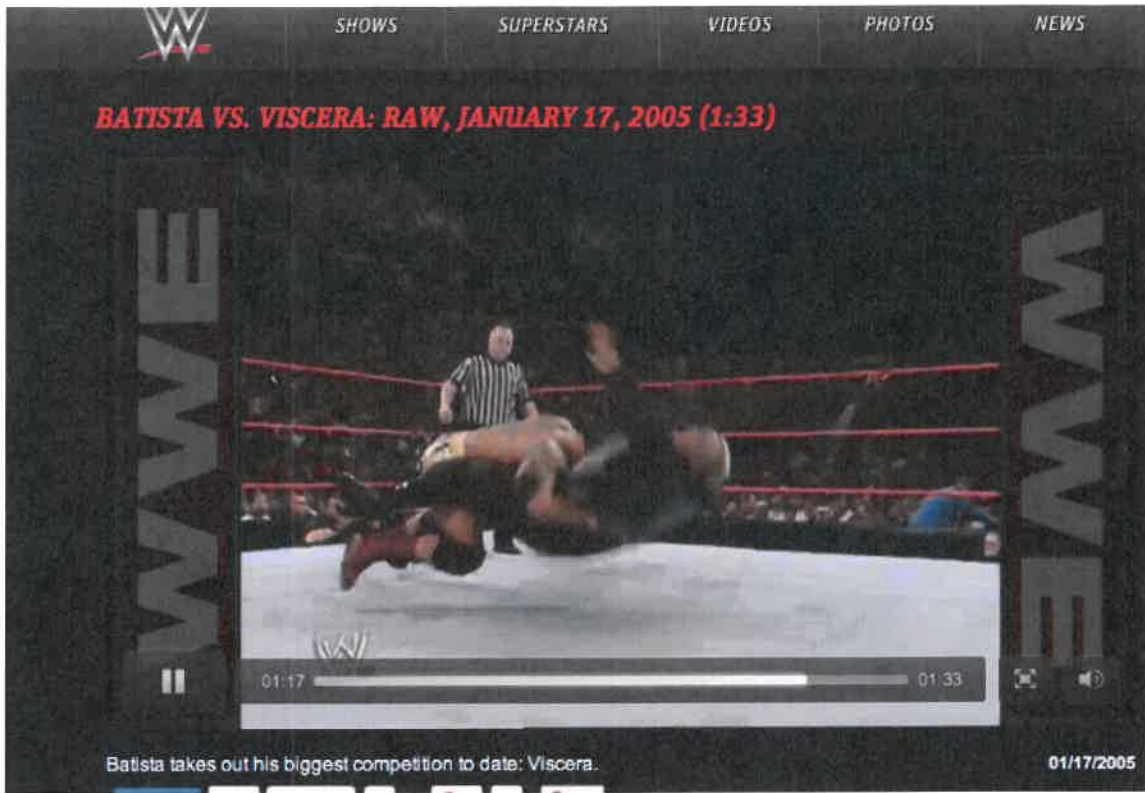
299. On November 22, 2004 Frazier performed as Viscera in a match with A-1 on WWF Sunday Night Heat in Buffalo, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

300. On November 29, 2004 Frazier performed as Viscera on WWF Monday Night Raw in Baltimore, Maryland. Upon information and belief he sustained head and other long-term injuries by participating in this event.

301. On December 27, 2004 Frazier performed as Viscera in a match with Chris Benoit on WWF Monday Night Raw in Biloxi, Mississippi. Upon information and belief he sustained head and other long-term injuries by participating in this event.

302. On January 17, 2005 Frazier performed as Viscera in a match with Batista on WWE Monday Night Raw in Toronto, Ontario. Upon information and belief he

sustained head and other long-term injuries by participating in this event.



303. On January 24, 2005 Frazier performed as Viscera in a match with Tajiri on WWE Monday Night Raw in Oklahoma City, Oklahoma. Upon information and belief he sustained head and other long-term injuries by participating in this event.

304. On January 30, 2005 Frazier performed as Viscera The WWE Royal Rumble in Fresno, California. Upon information and belief he sustained head and other long-term injuries by participating in this event.



305. On March 14, 2005 Frazier performed as Viscera in a match with Simon Dean on WWE Sunday Night Heat in Atlanta, Georgia. Upon information and belief he sustained head and other long-term injuries by participating in this event.

306. On March 28, 2005 Frazier performed as Viscera in a match with Val Venis on WWE Sunday Night Heat in Fort Worth, Texas. Upon information and belief he sustained head and other long-term injuries by participating in this event.

307. On April 3, 2005 Frazier performed as Viscera in a match on WWE Sunday Night Heat in Los Angeles, California. Upon information and belief he sustained head and other long-term injuries by participating in this event.

308. On April 11, 2005 Frazier performed as Viscera in a match on WWE with Val Venis on WWE Sunday Night Heat in Moline, Illinois. Upon information and belief he sustained head and other long-term injuries by participating in this event.

309. On May 1, 2005 Frazier performed as Viscera in a match on WWE with Kane on WWE Backlash. Upon information and belief he sustained head and other long-term injuries by participating in this event.

310. On May 2, 2005 Frazier performed as Viscera in a match on WWE with Simon Dean on WWE Monday Night Raw in Boston, Massachusetts. Upon information and belief he sustained head and other long-term injuries by participating in this event.

311. On May 9, 2005 Frazier performed as Viscera in a match on WWE with Sylvain Grenier on WWE Monday Night Raw in Philadelphia, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

312. On June 6, 2005 Frazier performed as Viscera in a match on WWE with Maven on WWE Sunday Night Heat in St. Louis, Missouri. Upon information and belief he sustained head and other long-term injuries by participating in this event.

313. On June 13, 2005 Frazier performed as Viscera in a match on WWE with Maven on WWE Monday Night Raw in Binghamton, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

314. On June 20, 2005 Frazier performed as Viscera in a match on WWE with Simon Dean on WWE Monday Night Raw in Phoenix, Arizona. Upon information and belief he sustained head and other long-term injuries by participating in this event.

315. On July 4, 2005 Frazier performed as Viscera in a match on WWE with Antonio and Romeo on WWE Monday Night Raw in Sacramento, California. Upon information and belief he sustained head and other long-term injuries by participating in this event.

316. On July 11, 2005 Frazier performed as Viscera in a Tag Team match on WWE Sunday Night Heat in East Rutherford, New Jersey. Upon information and belief he sustained head and other long-term injuries by participating in this event.

317. On July 18, 2005 Frazier performed as Viscera in a match with Tyson Tomko on WWE Sunday Night Heat in Philadelphia, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

318. On July 25, 2005 Frazier performed as Viscera in a match on WWE with Antonio and Pocket Rocket on WWE Monday Night Raw in Cleveland, Ohio. Upon information and belief he sustained head and other long-term injuries by participating in this event.

319. On August 1, 2005 Frazier performed as Viscera in a match with Rene Dupree on WWE Sunday Night Heat in Uncasville, Connecticut. Upon information and belief he sustained head and other long-term injuries by participating in this event.

320. On August 15, 2005 Frazier performed as Viscera in a match with Gene Snitsky on WWE Sunday Night Heat in Montreal, Quebec. Upon information and belief he sustained head and other long-term injuries by participating in this event.

321. On August 29, 2005 Frazier performed as Viscera with Val Venis in a match on WWE with Antonio and Romeo on WWE Sunday Night Heat in Tampa, Florida. Upon information and belief he sustained head and other long-term injuries by participating in this event.

322. On September 5, 2005 Frazier performed as Viscera with Val Venis in a match with Antonio and Romeo on Monday Night Raw in Nashville, Tennessee. Upon

information and belief he sustained head and other long-term injuries by participating in this event.

323. On September 26, 2005 Frazier performed as Viscera with Val Venis in a match with Lance Cade and Trevor Murdoch on Monday Night Raw in Waco, Texas. Upon information and belief he sustained head and other long-term injuries by participating in this event.

324. On October 10, 2005 Frazier performed as Viscera with Jason Bates on WWE Sunday Night Heat in Corpus Christi, Texas. Upon information and belief he sustained head and other long-term injuries by participating in this event.

325. On October 17, 2005 Frazier performed as Viscera on WWE Monday Night Raw in Sacramento, California. Upon information and belief he sustained head and other long-term injuries by participating in this event.

326. On October 31, 2005 Frazier performed as Viscera with Triple H on WWE Monday Night Raw in Anaheim, California. Upon information and belief he sustained head and other long-term injuries by participating in this event.

327. On November 7, 2005 Frazier performed as Viscera and Val Venis with Gene Snitsky and Tyson Tomko on WWE Sunday Night Heat in Fort Wayne, Indiana. Upon information and belief he sustained head and other long-term injuries by participating in this event.

328. On November 21, 2005 Frazier performed as Viscera with Lance Cade on WWE Sunday Night Heat in Sheffield, England. Upon information and belief he sustained head and other long-term injuries by participating in this event.

329. On November 28, 2005 Frazier performed as Viscera and Val Venis on WWE Sunday Night Heat in Cleveland, Ohio. Upon information and belief he sustained head and other long-term injuries by participating in this event.

330. On December 5, 2005 Frazier performed as Viscera on WWE Monday Night Raw in North Charleston, South Carolina. Upon information and belief he sustained head and other long-term injuries by participating in this event.

331. On December 12, 2005 Frazier performed as Viscera with Chris Masters on WWE Monday Night Raw in Boston, Massachusetts. Upon information and belief he sustained head and other long-term injuries by participating in this event.

332. On December 26, 2005 Frazier performed as Viscera with Rob Conway on WWE Sunday Night Heat in Bridgeport, Connecticut. Upon information and belief he sustained head and other long-term injuries by participating in this event.

333. On January 2, 2006 Frazier performed as Viscera with Tyson Tomko on WWE Sunday Night Heat in East Rutherford, New Jersey. Upon information and belief he sustained head and other long-term injuries by participating in this event.

334. On January 8, 2006 Frazier performed as Viscera with Shelton Benjamin on WWE New Year's Revolution Pay-Per-View event in Albany, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

335. On January 9, 2006 Frazier performed as Viscera with Trevor Murdoch on WWE Sunday Night Heat in Hershey, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

336. On January 16, 2006 Frazier performed as Viscera on WWE Sunday Night Heat in Raleigh, North Carolina. Upon information and belief he sustained head and other long-term injuries by participating in this event.

337. On January 23, 2006 Frazier performed as Viscera and Val Venis on WWE Sunday Night Heat in Charlotte, North Carolina. Upon information and belief he sustained head and other long-term injuries by participating in this event.

338. On January 29, 2006 Frazier performed as Viscera in the WWE Royal Rumble in Miami, Florida. Upon information and belief he sustained head and other long-term injuries by participating in this event.

339. On February 6, 2006 Frazier performed as Viscera and Val Venis on WWE Sunday Night Heat in Atlanta, Georgia. Upon information and belief he sustained head and other long-term injuries by participating in this event.

340. On February 13, 2006 Frazier performed as Viscera with Rob Conway on WWE Sunday Night Heat in Greensboro, North Carolina. Upon information and belief he sustained head and other long-term injuries by participating in this event.

341. On February 20, 2006 Frazier performed as Viscera with Tyson Tomko on WWE Sunday Night Heat in Trenton, New Jersey. Upon information and belief he sustained head and other long-term injuries by participating in this event.

342. On February 27, 2006 Frazier performed as Viscera and Val Venis on WWE Monday Night Raw in Washington, DC. Upon information and belief he sustained head and other long-term injuries by participating in this event.

343. On March 13, 2006 Frazier performed as Viscera with Rob Conway on WWE Sunday Night Heat in Beaumont, Texas. Upon information and belief he sustained head and other long-term injuries by participating in this event.

344. On March 27, 2006 Frazier performed as Viscera and Val Venis on WWE Monday Night Raw in Omaha, Nebraska. Upon information and belief he sustained head and other long-term injuries by participating in this event.

345. On April 2, 2006 Frazier performed as Viscera on WWE Sunday Night Heat in Chicago, Illinois. Upon information and belief he sustained head and other long-term injuries by participating in this event.

346. On April 10, 2006 Frazier performed as Viscera with Adrian Lynch on WWE Sunday Night Heat in Milwaukee, Wisconsin. Upon information and belief he sustained head and other long-term injuries by participating in this event.

347. On May 1, 2006 Frazier performed as Viscera with Lance Cade on WWE Sunday Night Heat in Columbus, Ohio. Upon information and belief he sustained head and other long-term injuries by participating in this event.

348. On May 8, 2006 Frazier performed as Viscera and Torrie Wilson on WWE Sunday Night Heat in Anaheim, California. Upon information and belief he sustained head and other long-term injuries by participating in this event.

349. On May 15, 2006 Frazier performed as Viscera and Charlie Haas on WWE Sunday Night Heat in Lubbock, Texas. Upon information and belief he sustained head and other long-term injuries by participating in this event.

350. On May 29, 2006 Frazier performed as Viscera with Umaga on WWE Monday Night Raw in Tacoma, Washington. Upon information and belief he sustained head and other long-term injuries by participating in this event.

351. On June 5, 2006 Frazier performed as Viscera with Rob Conway on WWE Sunday Night Heat in Pittsburg, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

352. On June 19, 2006 Frazier performed as Viscera with Charlie Haas on WWE Monday Night Raw in Rochester, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

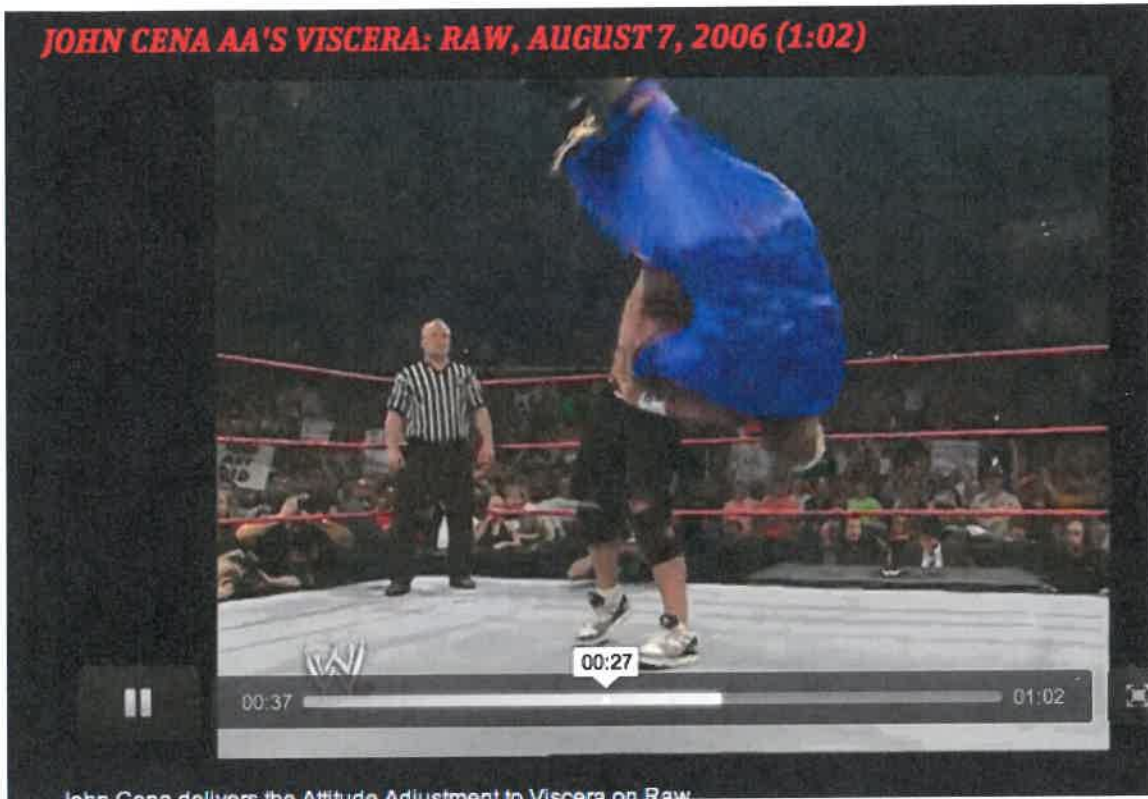
353. On June 26, 2006 Frazier performed as Viscera and Val Venis on WWE Monday Night Raw in Fayetteville, North Carolina. Upon information and belief he sustained head and other long-term injuries by participating in this event.

354. On July 3, 2006 Frazier performed as Viscera in a Tag Team event on WWE Monday Night Raw in Philadelphia, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

355. On July 10, 2006 Frazier performed as Viscera with Charlie Haas on WWE Monday Night Raw in Sioux City, Iowa. Upon information and belief he sustained head and other long-term injuries by participating in this event.

356. On July 24, 2006 Frazier performed as Viscera on WWE Sunday Night Heat in Cleveland, Ohio. Upon information and belief he sustained head and other long-term injuries by participating in this event.

357. On August 7, 2006 Frazier performed as Viscera with John Cena on WWE Monday Night Raw in Memphis Tennessee. Upon information and belief he sustained head and other long-term injuries by participating in this event.



358. On August 21, 2006 Frazier performed as Viscera with Val Venis on WWE Sunday Night Heat in Bridgeport, Connecticut. Upon information and belief he sustained head and other long-term injuries by participating in this event.

359. On August 28, 2006 Frazier performed as Viscera and Charlie Haas with The Highlanders on WWE Sunday Night Heat in Atlantic City, New Jersey. Upon information and belief he sustained head and other long-term injuries by participating in this event.

360. On September 4, 2006 Frazier performed as Viscera on WWE Monday Night Raw in Atlanta, Georgia. Upon information and belief he sustained head and other long-term injuries by participating in this event.

361. On September 25, 2006 Frazier performed as Viscera and Charlie Haas with Shawn Michaels and Triple H on WWE Monday Night Raw in Oklahoma City, Oklahoma. Upon information and belief he sustained head and other long-term injuries by participating in this event.

362. On October 30, 2006 Frazier performed as Viscera on WWE Monday Night Raw in Moline, Illinois. Upon information and belief he sustained head and other long-term injuries by participating in this event.

363. On November 5, 2006 Frazier performed as Viscera on WWE Cyber Sunday in Cincinnati, Ohio. Upon information and belief he sustained head and other long-term injuries by participating in this event.

364. On November 13, 2006 Frazier performed as Viscera on WWE Monday Night Raw in Manchester, England. Upon information and belief he sustained head and other long-term injuries by participating in this event.

365. On December 11, 2006 Frazier performed as Viscera and Chris Masters with Carlito and Jerry Lawler on WWE Monday Night Raw in Uncasville, Connecticut. Upon information and belief he sustained head and other long-term injuries by participating in this event.

366. On December 18, 2006 Frazier performed as Viscera on WWE Monday Night Raw in Washington, DC. Upon information and belief he sustained head and other long-term injuries by participating in this event.

367. On January 1, 2007 Frazier performed as Viscera with Jim Duggan on WWE Sunday Night Heat in Miami, Florida. Upon information and belief he sustained head and other long-term injuries by participating in this event.

368. On January 8, 2007 Frazier performed as Viscera with T.J. Dalton on WWE Sunday Night Heat in St. Louis, Missouri. Upon information and belief he sustained head and other long-term injuries by participating in this event.

369. On January 15, 2007 Frazier performed as Viscera with Eugene on WWE Sunday Night Heat in Bossier City, Louisiana. Upon information and belief he sustained head and other long-term injuries by participating in this event.

370. On January 22, 2007 Frazier performed as Viscera with Wes Adams on WWE Sunday Night Heat in Lafayette, Louisiana. Upon information and belief he sustained head and other long-term injuries by participating in this event.

371. On January 28, 2007 Frazier performed as Viscera in the WWE Royal Rumble in San Antonio, Texas. Upon information and belief he sustained head and other long-term injuries by participating in this event.

372. On March 19, 2007 Frazier performed as Viscera on WWE Monday Night Raw in Indianapolis, Kentucky. Upon information and belief he sustained head and other long-term injuries by participating in this event.

373. On April 2, 2007 Frazier performed as Viscera on WWE Monday Night Raw in Dayton, Ohio. Upon information and belief he sustained head and other long-term injuries by participating in this event.

374. On April 30, 2007 Frazier performed as Viscera on WWE Sunday Night Heat in Nashville, Tennessee. Upon information and belief he sustained head and other long-term injuries by participating in this event.

375. On May 21, 2007 Frazier performed as Viscera with Bobby Lashley on WWE Monday Night Raw in Moline, Illinois. Upon information and belief he sustained head and other long-term injuries by participating in this event.

376. On May 28, 2007 Frazier performed as Viscera in WWE Saturday Night's Main Event in Toronto, Ontario. Upon information and belief he sustained head and other long-term injuries by participating in this event.

377. On June 11, 2007 Frazier performed as Viscera on WWE Monday Night Raw in Philadelphia, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

378. On July 17, 2007 Frazier performed as Big Daddy V with Tim Storm on WWE ECW in Laredo, Texas. Upon information and belief he sustained head and other long-term injuries by participating in this event.

379. On July 24, 2007 Frazier performed as Big Daddy V on WWE ECW in Fresno, California. Upon information and belief he sustained head and other long-term injuries by participating in this event.

380. On July 31, 2007 Frazier performed as Big Daddy V on WWE ECW in Phoenix, Arizona. Upon information and belief he sustained head and other long-term injuries by participating in this event.

381. On August 13, 2007 Frazier performed as Viscera in WWE Saturday Night's Main Event in New York City. Upon information and belief he sustained head and other long-term injuries by participating in this event.

382. On August 14, 2007 Frazier performed as Big Daddy V with CM Punk on WWE ECW in Uncasville, Connecticut. Upon information and belief he sustained head and other long-term injuries by participating in this event.

383. On August 21, 2007 Frazier performed as Big Daddy V with Tommy Dreamer in an Extreme Rules event on WWE ECW in Columbia, South Carolina. Upon information and belief he sustained head and other long-term injuries by participating in this event.

384. On August 28, 2007 Frazier performed as Big Daddy V with CM Punk on WWE ECW in Albany, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

385. On September 18, 2007 Frazier performed as Big Daddy V with the Boogeyman on WWE ECW in Atlanta, Georgia. Upon information and belief he sustained head and other long-term injuries by participating in this event.

386. On October 2, 2007 Frazier performed as Big Daddy V with Tommy Dreamer on WWE ECW in Dayton, Ohio. Upon information and belief he sustained head and other long-term injuries by participating in this event.

387. On October 7, 2007 Frazier performed as Big Daddy V with CM Punk on WWE No Mercy in Chicago, Illinois. Upon information and belief he sustained head and other long-term injuries by participating in this event.

388. On October 9, 2007 Frazier performed as Big Daddy V with Tommy Dreamer on WWE ECW in Detroit, Michigan. Upon information and belief he sustained head and other long-term injuries by participating in this event.

389. On October 16, 2007 Frazier performed as Big Daddy V in a Tag Team event on WWE ECW in Birmingham, England. Upon information and belief he sustained head and other long-term injuries by participating in this event.

390. On October 23, 2007 Frazier performed as Big Daddy V on WWE ECW and SmackDown! in Kansas City, Missouri. Upon information and belief he sustained head and other long-term injuries by participating in this event.

391. On October 30, 2007 Frazier performed as Big Daddy V in a Battle Royale on WWE ECW in Uniondale, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

392. On November 18, 2007 Frazier performed as Big Daddy V opposing Ray Mysterio, Kane, and Triple H In WWE Survivor Series in Miami, Florida. Upon information and belief he sustained head and other long-term injuries by participating in this event.

393. On November 27, 2007 Frazier performed as Big Daddy V on WWE SmackDown! with Kane and Ray Mysterio in Roanoke, Virginia. Upon information and belief he sustained head and other long-term injuries by participating in this event.

394. On December 11, 2007 Frazier performed as Big Daddy V on WWE SmackDown! with The Undertaker in Boston, Massachusetts. Upon information and belief he sustained head and other long-term injuries by participating in this event.

395. On December 16, 2007 Frazier performed as Big Daddy V with CM Punk on WWE Armageddon Pay-Per-View in Pittsburg, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

396. On December 18, 2007 Frazier performed as Big Daddy V in a six person Tag Team event on WWE SmackDown! in Rochester, New York. Upon information and belief he sustained head and other long-term injuries by participating in this event.

397. On December 30, 2007 Frazier performed as Big Daddy V with Colin Delaney on WWE ECW in Richmond, Virginia. Upon information and belief he sustained head and other long-term injuries by participating in this event.

398. On January 22, 2008 Frazier performed as Big Daddy V with The Undertaker on WWE SmackDown! in Charlottesville, Virginia. Upon information and belief he sustained head and other long-term injuries by participating in this event.

399. On January 27, 2008 Frazier performed as Big Daddy V in a 30 man Royal Rumble in New York City. Upon information and belief he sustained head and other long-term injuries by participating in this event.

400. On January 29, 2008 Frazier performed as Big Daddy V with The Undertaker and Kane on WWE SmackDown! in Reading, Pennsylvania. Upon information and belief he sustained head and other long-term injuries by participating in this event.

401. On February 5, 2008 Frazier performed as Big Daddy V in a Six Person Tag Team on WWE SmackDown! in Corpus Christi, Texas. Upon information and belief he sustained head and other long-term injuries by participating in this event.

402. On February 6, 2008 Frazier performed as Big Daddy V with The Undertaker on WWE SmackDown! in Houston, Texas. Upon information and belief he sustained head and other long-term injuries by participating in this event.

403. On February 17, 2008 Frazier performed as Big Daddy V with The Undertaker in Elimination Chamber match on No Way Out! in Las Vegas, Nevada. Upon information and belief he sustained head and other long-term injuries by participating in this event.

404. On February 19, 2008 Frazier performed as Big Daddy V with Shannon Moore on WWE SmackDown! in San Diego, California. Upon information and belief he sustained head and other long-term injuries by participating in this event.

405. On February 26, 2008 Frazier performed as Big Daddy V with Balls Mahoney on WWE SmackDown! in Tuscon, Arizona. Upon information and belief he sustained head and other long-term injuries by participating in this event.



406. On March 11, 2008 Frazier performed as Big Daddy V for the final time with CM Punk on WWE ECW at an event in Chicago. Upon information and belief he sustained head and other long-term injuries by participating in this event.⁷

What The WWE Knew About Concussions

407. Every blow to the head is dangerous. Both repeated concussions and sub-concussions cause permanent brain damage. During WWE practice as well as the documented match list in the foregoing paragraphs, WWE wrestlers such as Nelson Frazier, Jr. sustained thousands of hits to the head even without any documented concussion. Such repeated blows result in permanently impaired brain function.

408. For decades, scientific evidence has linked head trauma to long-term neurological problems. The WWE knew or should have known of this growing body of scientific evidence and its compelling conclusion that persons who sustain repetitive concussive events, sub-concussive events and/or other brain injuries are at significantly greater risk for chronic neuro-cognitive illness and disabilities whether during their Wrestling careers or, especially, later in life.

409. Although the WWE knew or should have known about this scientific evidence concerning concussions, sub-concussive impacts and brain injuries, the WWE never told, and in effect, hid information from Nelson Frazier, Jr. about the dangers of repeated brain trauma. This was a failure of its assumed duty since Nelson Frazier, Jr. was not in the same position as the WWE to have access to the evidence and knowledge to understand the impact their careers had on their risk of long-term injury and illness.

⁷ Information compiled about Nelson Frazier, Jr.'s matches from "The Internet Wrestling Database" at profightdb.com.

410. Scientists and doctors have published scores of peer-reviewed articles in well-established medical and scientific journals conclusively establishing the link between brain injuries and sub-concussive/concussive blows suffered by, among others, football, boxers, and hockey players. These studies date back to at least 85 years ago when pathologist Harrison Martland's seminal study was published in the Journal of the American Medical Association linking sub-concussive blows suffered by boxers to injuries ranging from mild concussions to degenerative brain disease.

411. The WWE assumed a duty as a guardian against head-trauma in wrestlers. The WWE decided to create its own program to minimize the brain injury risk to its wrestlers. Specifically, it created a Wellness program in 2006 (the "Wellness Program"). Defendant, however, failed to discharge and fulfil its assumed duty. In the end, the Wellness Program served as a false assurance that the WWE was providing wrestlers with accurate risk analysis.

412. Despite having assumed a duty to wrestlers, the WWE merely assumed this duty in an effort to insulate itself from liability for its total failure to address concussions in the decades preceding the introduction of the Policy. Additionally, the WWE hired doctors whose purpose was to downplay and conceal the long-term risks of head injuries from wrestlers, rather than ,as wrestlers believed, protect them from harm. In this additional way, WWE deceived wrestlers like Nelson Frazier, Jr.

413. The WWE policy was reportedly introduced in 2006 and concussion baseline testing began in 2008. By way of contrast, the NFL created the Mild Traumatic Brain Injury Committee in 1994. The National Hockey League (NHL) introduced a Concussion Policy in 1997 and required NHL team doctors to document all concussions

and collected the data on standardized injury report forms. In 1997, the NHL began baseline testing for its players and required team doctors and trainers to maintain records of all players believed to have concussions. Upon information and belief, the WWE waited nearly a decade before following suit with even a policy and has yet to collect or release data about the frequency of concussions or document wrestlers with long-term head trauma.

414. In the ensuing decade between the time major sports leagues adopted concussion policies and the WWE created its policy, science continued to build that repeated head injuries were resulting in an unseen epidemic of brain damaged athletes.

415. The NFL engaged in a protracted debate about the mounting evidence, at first attempting to discredit the research of doctors examining brain tissue of deceased NFL players. In the face of overwhelming scientific evidence the NFL finally decided to strongly warn its players in July of 2010 with a notice that concussions: “may lead to problems with memory and communication, personality changes, as well as depression and the early onset of dementia. Concussions and conditions resulting from repeated brain injury can change your life and your family’s life forever.” Upon information and belief, the WWE has never so warned its wrestlers, including Nelson Frazier, Jr.

Entering 2015, the NFL is awaiting final approval of a \$765 million dollar settlement of an MDL to compensate players for concussions sustained over decades. The argument in that case of course is very similar to the arguments made on behalf of Nelson Frazier, Jr. in this Complaint - namely the concealment, failure to warn, and failure to prevent head injuries over the decade-plus career of Mr. Frazier should impose liability on the WWE.

416. Dr. Bennett Omalu who pioneered the research into classifying CTE as a new disease entity studied the brain tissue of a deceased NFL player named Mike Webster and published his findings in Neurosurgery in July 2005. A month previously, Terry Long, a 45 year old Pittsburgh Steelers player committed suicide. Dr Omalu opined that the cause may have been brain damage in line with his studies.

417. NFL Pittsburgh Steelers team doctor for twenty-five years, Dr. Joseph Maroon attacked this conclusion. Dr. Maroon reportedly told the Pittsburgh Post-Gazette that Dr. Omalu's conclusion that NFL Player Terry Long's suicide may have been the result of depression caused by head injuries during his career in football was "fallacious reasoning." Dr. Maroon: "To go back and say that he was depressed from playing in the NFL and that led to his death 14 years later, I think is purely speculative," Maroon continued: "He could have had a head injury that wasn't reported before football. He could have had a fight, he could have had a head injury.... And that's why I'm saying it's so speculative."

418. In November of 2006, Dr. Omalu published a second paper after finding CTE in the brain of former Steelers' player Terry Long. He links Webster and Long's career to the brain damage: "Our first and second cases both had long careers without multiple recorded concussions. Both manifested Major Depressive Disorder after retirement."

419. In June of 2007, WWE superstar Chris Benoit committed suicide after murdering his wife and child.

420. Dr. Omalu studied Chris Benoit's brain tissue and concluded that he had CTE.

421. The WWE hired Dr. Joseph Maroon, to be its chief medical director in 2008. This is the same doctor previously employed by the Pittsburgh Steelers that had attempted to discredit Omalu's NFL findings.

422. In March 2008, it was reported by The Sports Legacy Institute (SLI) that "anonymous wrestlers" had said the WWE had commenced concussion testing for active wrestlers. SLI reported: "WWE management has instituted a concussion management program. At a mandatory meeting for all performers in early March [2008] WWE performers took a computerized neuropsychological testing protocol, which evaluates such things as memory, cognition skills, and reaction time. They will be re-tested aggressively every six months to look for long term health issues, as well as re-tested after suspected concussions to help determine when it is safe to return to in-ring action." Thus, the WWE has finally adopted some duty, but it of course comes too late.

423. On March 11, 2008, Nelson Frazier, Jr. performed his last match for the WWE.

424. In March of 2009, Andrew "Test" Martin, a WWE superstar committed suicide. In December of 2009, his brain tissue was examined by Dr. Omalu who concluded Martin had CTE. Dr. Julian Bailes, Omalu's co-director at the Brain Institute and the chairman of the Department of Neurosurgery at the West Virginia University School of Medicine, and who studied the Benoit issue, commented to ESPN: "People wondered if Mike Webster was an isolated event",... "and then came Terry Long and Andre Waters. When we announced our findings about Chris [Benoit], some in the media said it was 'roid rage. We said at the time the real finding was that repeated head trauma was the cause. With Andrew Martin as the second case, the WWE and the sport in

general have to ask themselves, 'Is this a trend?' The science tells us that jumping off 10-foot ladders and slamming people with tables and chairs is simply bad for the brain.”⁸

425. In a pattern that echoes that of the NFL’s original response to this science, the WWE responded on ESPN: “While this is a new emerging science, the WWE is unaware of the veracity of any of these tests, be it for Chris Benoit or Andrew Martin. Dr. Omalu claims that Mr. Benoit had a brain that resembled an 85-year-old with Alzheimer's, which would lead one to ponder how Mr. Benoit would have found his way to an airport, let alone been able to remember all the moves and information that is required to perform in the ring... WWE has been asking to see the research and tests results in the case of Mr. Benoit for years and has not been supplied with them.”⁹

426. Dr. Omalu responded to the WWE statement as follows: “Dr. Maroon was there with us and he was shown all our research information, slides, and specimens- on Chris Benoit and all the athletes’ brains we studied.”¹⁰

427. Dedicated to wrestling, the vast majority of wrestlers naturally rely on the WWE with its highly educated managerial, legal and medical personnel to disclose important medical risks.

428. The WWE had access to the boxing, football and other concussion studies described herein. With the WWE’s resources and highly-educated managerial, legal and medical staff, it was uniquely positioned to inform Nelson Frazier, Jr. of the increased risks that those NFL and other concussion studies had already clearly demonstrated. But the WWE never informed Nelson Frazier, Jr. or other wrestlers that these and other

⁸ See ESPN.com, <http://sports.espn.go.com/espn/otl/news/story?id=4724912>, last accessed February 13, 2015.

⁹ See ESPN.com, <http://sports.espn.go.com/espn/otl/news/story?id=4724912>, last accessed February 13, 2015.

¹⁰ Irwin, Muchnick, *Concussion, Inc.*, p. 67 (ECW Press, 2015).

studies demonstrate an increased risk for wrestlers, or that the study results had any implications for WWE wrestlers. Knowing that the WWE had far greater information, and was much more advantageously positioned to obtain information about the causes, prevention and treatment of concussions and other head injuries, Nelson Frazier, Jr. reasonably relied on the WWE to inform him fully and promptly about material information. In refusing for decades to properly diagnose and treat concussions suffered by its wrestlers, the WWE misled Plaintiff's Decedent and others into believing that returning quickly to wrestle, often in the same match in which they were concussed or otherwise "had your bell rung," was safe, posing neither short-term nor long-term dangers of brain injury and neuro-cognitive impairment.

429. The WWE culture imposes a code of silence on injuries; further, the WWE understands the inherent coerciveness that made Nelson Frazier, Jr. and others particularly susceptible to rely on the WWE's silence about the concussion and head injury risks they faced. The WWE knows that the world is filled with wrestlers desperately eager to perform in the WWE. Indeed Nelson Frazier, Jr. was repeatedly dropped from the card and then returned to the WWE during his career. Nearly all wrestlers investigated report that that 'everyone is afraid of losing their job' at all times unless they are at the very top of the organization.

430. The WWE also knows full well that upon reaching the WWE, which is generally regarded as the ultimate goal for any pro-wrestler, a wrestler wants to remain there. The WWE failed to inform these wrestlers (who are highly competitive individuals to begin with) that they risked serious and possibly permanent and disabling brain injuries or cognitive problems if they suffered concussions or continued to wrestle after

suffering a head hit. The WWE knew, or surely should have known, that Nelson Frazier, Jr. would understand that silence as affirmation that WWE wrestlers not only could, but should, perform in a violent manner and continue to wrestle after a head injury and that doing so posed no danger to their health. At no time, including during the fifteen year career of Nelson Frazier, Jr., did the WWE implement a Concussion Program. At no time in the years following his career did the WWE take any action to inform him about the long-term effects of concussions, sub-concussive impacts and other head injuries that frequently are latent, developing, and only manifest themselves after a wrestler's WWE career has ended.

431. In addition to its neglect at every level regarding head injuries, the WWE has failed to care for and monitor the cardiac health of its wrestlers including Nelson Frazier, Jr.

432. The WWE Wellness policy advises; "WWE implemented its Talent Wellness Program on February 27, 2006.... Since its implementation the Wellness Program has been refined and expanded to cover: Comprehensive Medical and Wellness Staffing, Cardiovascular Testing and Monitoring, ImPACT testing, Substance Abuse and Drug Testing, Annual Physicals, Health Care Referrals."¹¹

433. The Policy further reads:

Cardiovascular Testing and Monitoring Program

All WWE talent undergo an extensive cardiovascular stress test

before they are offered a contract by WWE, and subsequently tested

at least biennially while under contract (more frequently as and when

¹¹ See Corporate WWE.com, <http://corporate.wwe.com/wellness/talent-wellness-summary>, last accessed February 13, 2015.

circumstances warrant). Dr. Bryan Donohue, Division Chief of Cardiology at University of Pittsburgh Medical Center Shadyside Hospital, and Senior Partner at Donohue Cardiology Associates, administers WWE's cardiovascular testing and monitoring program.

Referrals to Consulting Health Care Providers On An As Needed Basis

WWE offers all WWE talent the opportunity for referral to qualified health care professionals who can help them with issues that may arise from time to time. Under the supervision of Dr. Maroon, WWE has established relationships with renowned specialists in psychiatry, orthopedics and endocrinology.

434. The WWE has clearly assumed and voluntarily undertaken a duty to its wrestlers, including Nelson Frazier, Jr. That duty did not end when he was shown the door. With the pronouncements on the WWE's website about its cardiovascular knowledge it is obvious that Nelson Frazier, Jr., the '487 pound monster' and 'World's Largest Love Machine' may have required long term cardiac care. Upon information and belief Nelson Frazier, Jr. was not tested or screened during his wrestling career for the WWE, and if he was so tested, it was negligently administered.

**THE STATUTE OF LIMITATIONS IS TOLLED
WWE'S Duty to Nelson Frazier, Jr. Underscores Propriety of Equitable Tolling**

435. The WWE undertook a duty of care to Plaintiff's Decedent. The WWE's fortunes depended on Nelson Frazier, Jr.'s performance abilities, his technical skills, his physical strength and abilities; his dedication; his ability to, fill arenas with fans, his ability to generate licensing revenue through consumer products bearing his names and

likenesses, and driving the ever-increasing WWE revenues from TV contracts the WWE negotiated. Wrestlers like Mr. Frazier, and their enormous popularity, are the WWE's primary asset. The WWE had vastly greater resources than Nelson Frazier to obtain, analyze and disseminate information about the dangers of concussions and head hits. Knowing that the WWE's fortunes depended on their ability to perform, Nelson Frazier reasonably relied on the WWE to inform him about safety and health information. Nelson Frazier, Jr. reasonably relied on what the WWE said and did not say regarding his health and safety.

436. Plaintiff reasonably acted on what the WWE omitted – that concussions and sub-concussive hits are serious and result in permanent disability and brain trauma, and that returning to wrestle before being properly evaluated, treated and cleared to wrestle could result in enormous risks of permanent damage, especially in returning to wrestle immediately after taking brutal hits to the head. The WWE had a duty toward its wrestlers, including Nelson Frazier, Jr., based upon its special relationship with its wrestlers, assumed duty of care toward its wrestlers, voluntary undertaking of the Wellness Program, and superior knowledge about the causes, frequency, severity and proper treatment of concussions, mild traumatic brain injuries and other sub-concussive injuries and head trauma. Plaintiff Nelson Frazier, Jr. appropriately placed his trust and confidence in the WWE. In light of the WWE's duty of care toward the Plaintiff, the WWE's silence about the dangers of concussions, TBI and other head injuries suffices to toll any limitations or repose periods. Beyond mere silence, the WWE affirmatively concealed facts to this day that were required to put Plaintiff on notice of his claims.

437. WWE was under, but breached, a continuing duty to disclose the true

character, quality, and nature of the after-effects of concussive events, sub-concussive events and/or brain injuries. Because Defendant concealed the true character, quality and nature of these injuries, it is estopped from relying on any statute of limitations defense. The applicable statute of limitations is tolled because Defendants' fraudulent concealment of the dangers and adverse effects of head injuries prevented Plaintiff Nelson Frazier, Jr. from learning of or properly appreciating the hazards to his health.

CAUSES OF ACTION

COUNT I Negligence

438. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs as if specifically pled herein.

439. The WWE has historically and voluntarily assumed an independent tort duty of reasonable care regarding WWE Talent safety and head trauma. The WWE has stated:

“WWE’s top priority is the health and wellness of our Superstars and Divas. WWE performers are the company’s greatest asset – without our performers, WWE would not exist.”¹²

Yet, as previously outlined throughout this Complaint, the WWE has failed to discharge this duty non-negligently. As a direct and proximate result, WWE Talent such as Nelson Frazier, Jr. suffered serious, life-threatening injuries, which ultimately resulted in his untimely death.

¹² See Corporate WWE.com, Talent Wellness Program Summary, <http://corporate.wwe.com/wellness/talent-wellness-summary>, last accessed February 13, 2015.

440. Since the founding of Titan Sports in 1980, the company that would become the WWE, the organization has assumed the common law duty to ensure the safety of the WWE Talent participating in the WWE performances and to inform the WWE Talent of necessary safety including training, techniques, medical advice, prescription requirements, and medical monitoring and diagnosing of injuries such as concussions and sub-concussions during performances, in part as a result of the following:

- a. The WWE is the purveyor of all rules and regulations for each performance, and is personally responsible for the order of events and wrestling cards which set up the matches and provide the list of techniques to be used by each wrestler throughout the event. In fact, the WWE proudly touts that even Vince McMahon, the CEO of the WWE, participates in the choreographing and storyline of the WWE performances.
- b. The WWE maintains medical and wellness staffing “ringside” including physicians and athletic trainers, as well as drug testing accommodations. These physicians and athletic trainers, supervised by Dr. Chris Amann, alongside the other WWE staff such as the bookers and trainers, are and have been responsible for the safety of each performance.
- c. The WWE established the “Talent Wellness Program” in 2006 and is supervised by Dr. Joseph Maroon. The Talent Wellness Program, according to the WWE corporate website, “includes cardiovascular testing, medical and wellness staffing, annual physicals and health care referrals, and ImPACT testing,

where every one of its talent undergoes baseline neurocognitive testing.” The WWE also runs a “Substance Abuse and Drug Testing” program.

d. The WWE has established a “Professional Development” program where they assert that “life skills, education, wellness and career success” are emphasized through seminars which include seminars on living a healthy lifestyle and injury and illness prevention.

e. WWE employees, servants, or actual or apparent agents were responsible for, and were under the direction of the WWE in the roll-out and production of the “Talent Wellness Program”, the “Professional Development” program, all pre-ring, in-ring, and post-ring medical care and treatment, and all testing of the WWE Talent. The WWE staff were responsible for observing, monitoring, testing, and providing medical care and treatment throughout the WWE performance process, and were acting within the scope of their employment and/or agency with the WWE when engaging in the medical monitoring, care and treatment of the WWE Talent, as well as informing and omitting to inform the WWE Talent regarding necessary and pertinent health information.

441. The WWE undertook the duty to provide proper and necessary medical care and treatment of the WWE Talent by providing and offering to provide medical monitoring, care, and treatment before, during, and after the WWE performances. WWE undertook efforts to direct wrestlers, including Nelson Frazier, Jr., to trust and rely on WWE to provide knowledge, information, and medical oversight for their well-being, under the guise that WWE would clear wrestlers for matches before allowing them to

step into the ring safely, and to monitor wrestlers for signs of true injury or harm.

However, such action was perpetrated for the purpose of coaxing wrestlers to perform event after event, without proper treatment, in order to maximize “entertainment” for spectators, irrespective of the harm caused to wrestlers, including but not limited to Nelson Frazier, Jr.

442. The WWE has known the risks of concussive and sub-concussive injury in wrestling. On information and belief, the WWE has paid medical science consultants to advise it regarding health risks associated with wrestling for the WWE, including the health risks associated with repetitive concussive and sub-concussive injuries.

443. Such ongoing medical advice and information gave the WWE continuing superior knowledge to the WWE Talent, including Decedent. When taken with the WWE’s unilateral power to set rules and determine policies throughout its performances, the WWE was at all relevant times situated to direct and control how the performance would be played out and to determine the risks to which WWE Talent would be exposed.

444. As a result, the WWE unilaterally assumed a duty to act in the best interests of the health and safety of the WWE Talent, to provide truthful information to the WWE Talent regarding risks to their health, and to take all reasonable steps necessary to ensure the safety of the WWE Talent.

445. As part of this duty of reasonable care, the WWE was required to keep the WWE Talent informed of neurological risks of head injuries suffered while wrestling in WWE performances, and not to omit material information about the risks of negative long term effects or permanent neurological damage that can occur from head injuries sustained while wrestling.

446. The WWE breached this duty of reasonable care to its Talent, including Nelson Frazier, Jr., by:

- (a) Creating, fostering, and promoting a culture of extreme violence, including head hits with metal folding chairs, techniques causing severe trauma to the spine, neck, and head with accurate names such as the “Brain Buster”, and violence from fighting, where head trauma to the WWE Talent was a natural and common corollary;
- (b) Failing to inform the WWE Talent about the 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 WWE Talent;
- (c) Failing to warn the WWE Talent of the potential negative effects of head injuries suffered while wrestling for the WWE, including but not limited to, that they might be developing CTE and should be checked for symptoms to ensure that they understood that continued wrestling for the WWE might expose them to irreversible brain damage and neuro-cognitive impairment;
- (d) Failing to adequately address the continuing health risks associated with concussive events, sub-concussive events and/or brain injuries that the WWE Talent sustained;
- (e) Failing to make any statements or substance about concussions, MTBI, CTE and/or other head injuries;

- (f) Failing to provide competent information to the WWE Talent with respect to the significance of head injuries and/or concussions, their symptoms and the necessary and/or proper treatment of the same;
- (g) Refusing to recognize the risks to players of repetitive sub-concussive and concussive head impacts;
- (h) Avoiding any proper study of concussion and other head injuries;
- (i) Willfully, wantonly, recklessly, and/or negligently inducing Nelson Frazier to wrestle and/or continue wrestling having sustained serious injuries including, but not limited to, concussions, sub-concussions, and CTE without being properly treated and rehabilitated for the sole purpose of increasing corporate profit; and
- (j) Failing to address cardiovascular and other health-related issues in an appropriate manner, if at all.

447. As a direct and proximate result of the Defendants' negligent acts and omissions as previously stated, Nelson Frazier suffered traumatic brain damage from sustained concussions, sub-concussions, and CTE, an increased risk of further concussions and sub-concussions, an increased severity of concussions and sub-concussions, disfiguring scarring and physical injury, loss of mental acuity and acumen, loss of short-term memory, loss of awareness, depression, loss of a healthier state of being, as well as other symptoms and disorders resulting from his severe injuries.

448. As a direct and proximate result of the Defendants' negligent acts and omissions as previously stated, Nelson Frazier experienced pain and suffering, loss of enjoyment of life, and other non-economic damages, in that he suffered serious injury,

including but not limited to long-term neurological damage and CTE, and the serious symptoms and disorders resulting from that damage, which further resulted in lost and/or reduced income during his life, and ultimately caused or contributed to his untimely death.

449. As a direct and proximate result of Defendants' conduct, Plaintiff incurred expenses for funeral, burial, medical treatment, and other related costs in an amount to be determined at trial.

450. As a direct and proximate result of Defendants' negligent acts and omissions, Plaintiff suffered and will continue to suffer in the future the loss of Nelson Frazier, Jr.'s love, companionship, comfort, affection, society, moral support, and solace related to Nelson Frazier Jr.'s injuries during his life and related to his untimely death.

451. As a direct and proximate result of Defendants' conduct, Plaintiff will, in the future, incur loss of financial support of Nelson Frazier Jr.'s earning capacity in an amount to be determined at trial.

452. Wherefore, Cassandra Frazier and the Estate of Nelson Frazier assert the WWE is liable to Plaintiff for the WWE's negligent conduct and therefore Plaintiffs hereby seek the full measure of damages allowed under applicable law.

COUNT II

Negligent Misrepresentation

453. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs as if specifically pled herein.

454. The WWE materially misrepresented the risks faced by Nelson Frazier Jr. related to head, back, and spine injuries through misleading public statements, promoting a culture requiring players to fight through the pain, and criticizing the legitimate

scientific studies which illustrated the dangers and risks of head injuries and the long-term effects of concussions.

455. As detailed previously in this Complaint, a special relationship exists between the WWE and the WWE Talent sufficient to impose a duty on the WWE to disclose accurate information to the WWE Talent such as Nelson Frazier, Jr. This duty arose because the WWE had superior special knowledge of material medical information that the WWE Talent did not have access to, nor was readily available to them, and the WWE communicated with the WWE Talent and the public, not only completely omitting material information about the true risks of head trauma regarding participation in WWE wrestling, but specifically stating that WWE wrestlers with diagnosed brain trauma did not receive these injuries as a result of wrestling for the WWE, resulting in incomplete, partial, or ambiguous statements regarding safety and head injuries.

456. Despite its knowledge of such material facts, and generally speaking about concussion and head injuries, the WWE negligently omitted to disclose material information to its WWE Talent regarding the link between head injuries suffered while wrestling for the WWE and the resulting negative effects and cognition-impairing conditions.

457. The WWE actively omitted true information at a time when they knew, or should have known, because of their superior position of knowledge, that Nelson Frazier, Jr. faced serious health problems if he returned to the ring too soon after sustaining a concussion.

458. The persons who made the misrepresentations as agents of the WWE and/or the WWE's "Talent Wellness Program" had no reasonable ground for believing them to be true.

459. The WWE intended to induce Nelson Frazier, Jr.'s reliance on these misrepresentations.

460. Nelson Frazier, Jr. justifiably and reasonably relied on the WWE's negligent misrepresentations to his detriment when wrestling for the WWE, relying on what the WWE said and failed to say to the WWE Talent about concussions and other head injuries.

461. Nelson Frazier, Jr.'s reliance on the WWE's negligent misrepresentations by omission were reasonable given the WWE's superior and unique vantage point on these issues.

462. Had Nelson Frazier, Jr. been aware of such information, he would not have agreed to jeopardize his health and he would have ensured that he received appropriate medical care, treatment, and rehabilitation to ensure he was completely healed before returning to wrestle for the WWE.

463. The WWE failed to act with reasonable care by negligently omitting to disclose material information to Nelson Frazier regarding the link between concussions and brain injury and the resulting negative effects and cognition-impairing conditions.

464. As a direct and proximate result of the WWE's negligent misrepresentation by omission, Nelson Frazier, Jr. experienced pain and suffering and suffered serious permanent and debilitating injuries, including but not limited to neurological damage and CTE, which resulted in his untimely death.

465. The WWE's misrepresentations proximately caused Nelson Frazier, Jr.'s death.

466. As a direct and proximate result of the WWE's misrepresentations, Plaintiff incurred expenses for funeral, burial, medical treatment, and other related costs in an amount to be determined at trial.

467. As a direct and proximate result of the WWE's misrepresentations, Cassandra Frazier has suffered and will continue to suffer in the future the loss of Nelson Frazier's love, companionship, comfort, affection, society, moral support, and solace related to Nelson Frazier's injuries during his life and related to his untimely death.

468. As a direct and proximate result of the WWE's misrepresentations, Cassandra Frazier will in the future incur loss of financial support of Nelson Frazier's earning capacity in an amount to be determined at time of trial.

469. Wherefore, Plaintiff, individually, as successor in interest and as the personal representative of the Estate of Nelson Frazier, seeks and is entitled to recover the full amount of damages allowed under applicable law from the WWE on behalf of and for herself and the Estate.

COUNT III
Intentional Misrepresentation

470. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs as if specifically pled herein.

471. The WWE materially misrepresented the risks faced by Nelson Frazier related to head injuries. The WWE, through misleading and deceptive public statements and published articles downplayed known long-term health risks of concussions to the WWE Talent.

472. Material misrepresentations were made by WWE staff, including the corporate office. The material misrepresentations include but are not limited to remarks that the WWE Talent were not at an increased risk of head injury if they returned too soon to the ring or training session after suffering a head injury.

473. The WWE's material misrepresentations included criticism of legitimate scientific studies which illustrated the dangers and risks of head injuries and the long-term effects of concussions.

474. The WWE made these misrepresentations and actively concealed adverse information at a time when they knew, or should have known, that Plaintiff's decedent faced serious health problems if he was forced to return to the ring too soon after suffering brain trauma.

475. The persons who made these misrepresentations as agents of the WWE and its "Talent Health and Wellness Program" had knowledge of their falsity and knowledge of the detrimental effect of concealment of material facts.

476. The WWE intended to induce Nelson Frazier's reliance on the misrepresentations and to induce him to alter his position to his injury and risk.

477. Nelson Frazier, Jr. justifiably and reasonably relied on these misrepresentations when wrestling for the WWE. Had he known the true risks to his health, he would not have agreed to jeopardize his health.

478. The WWE's misrepresentations proximately caused and/or contributed to Nelson Frazier Jr.'s injuries and death.

479. As a direct and proximate result of the WWE's misrepresentations, Nelson Frazier, Jr. experienced pain and suffering and suffered serious permanent and

debilitating injuries, including but not limited to neurological damage and CTE, which caused and/or contributed to his untimely death, as well as emotional distress, pain and suffering, and economic and non-economic damages.

480. As a direct and proximate result of the WWE's misrepresentations, Cassandra Frazier incurred expenses for funeral, burial, medical treatment, and other related costs in an amount to be determined by proof at trial.

481. As a direct and proximate result of the WWE's misrepresentations, Cassandra Frazier suffered and will continue to suffer in the future the loss of Nelson Frazier Jr.'s love, companionship, comfort, affection, society, moral support, and solace related to Nelson Frazier's injuries during his life and related to his untimely death.

482. As a direct and proximate result of the WWE's misrepresentations, Cassandra Frazier will in the future incur loss of financial support of Nelson Frazier Jr.'s earning capacity in an amount to be determined at trial.

483. Wherefore, Plaintiff, individually, as successor in interest, and as personal representative of the Estate of Nelson Frazier, seeks and is entitled to recover the full measure of damages allowed under applicable law from the WWE on behalf of herself and the Estate.

COUNT IV Fraudulent Concealment

484. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs as if specifically pled herein.

485. As previously set forth, the WWE was aware prior to Nelson Frazier contracting with the WWE as a WWE Talent in 1993 that repetitive head impacts in wrestling and training sessions created a risk of harm to the WWE Talent.

486. Prior to 1993, the WWE was aware of and understood the significance of the published medical literature demonstrating the serious risk of both short-term and long-term adverse consequences from the kind of multiple concussions and repetitive sub-concussive traumatic brain injuries to which the WWE Talent were exposed.

487. The WWE knowingly and fraudulently concealed from the WWE Talent and former WWE Talent the risks of head injuries, in particular the heightened risk created by returning to the ring before making a proper recovery from their head injuries.

488. From the time Nelson Frazier contracted with the WWE as a WWE Talent in 1993 to his untimely death on February 18, 2014, the WWE voluntarily and repeatedly made material representations to its WWE Talent, former WWE Talent, and the public at large that there was no evidence linking, or insufficient evidence linking multiple concussions and repetitive sub-concussive traumatic brain injuries to latent cognitive/brain injury, including CTE and its related symptoms.

489. The WWE concealed material facts and information with the intent to deceive and defraud. The WWE's conduct delayed Plaintiff's Decedent who fought as a WWE Talent, and retired without the necessary knowledge to make an informed decision to plan for the future of himself and his family and to seek appropriate treatment for his latent neurodegenerative condition during his life.

490. The WWE knew that Nelson Frazier would rely on the inaccurate information provided by the WWE.

491. Nelson Frazier relied on this inaccurate information during and after his career with the WWE.

492. As a direct and proximate result of the WWE's willful concealment, Nelson Frazier suffered substantial injuries, including but not limited to brain damage and CTE, which caused and/or contributed to his untimely death, as well as emotional distress, pain and suffering, and economic and non-economic damages.

493. As a direct and proximate result of the WWE's misrepresentations, Cassandra Frazier will in the future incur the loss of financial support of Nelson Frazier's earning capacity in an amount to be determined at trial.

494. Wherefore, Plaintiff, individually, as successor in interest, and as personal representative of the Estate of Nelson Frazier, seeks and is entitled to recover the full measure of damages allowed under applicable law from the WWE on behalf of herself and the Estate.

COUNT V
Fraud by Omission / Failure to Warn

495. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs as if specifically pled herein.

496. The WWE had a duty to promptly disclose and speak the full truth regarding the health risks caused by concussion and sub-concussive blows to the head. This duty arose because the WWE had superior special knowledge of material medical information that the WWE Talent did not have access to, nor was readily available to them, and the WWE communicated with the WWE Talent and the public, not only completely omitting material information about the true risks of head trauma regarding participation in WWE wrestling, but specifically stating that WWE wrestlers with diagnosed brain trauma did not receive these injuries as a result of wrestling for the

WWE, resulting in incomplete, partial, or ambiguous statements regarding safety and head injuries.

497. The WWE breached that duty by fraudulently failing to disclose material information to Nelson Frazier regarding the risks of head injuries suffered while wrestling as a WWE Talent, including, but not limited to, the link between concussions and brain injury and resulting negative effects and cognition-impairing conditions, and the risks that he might be developing CTE and should be checked for symptoms to ensure that he understood that continued wrestling might expose him to irreversible brain damage and neuro-cognitive impairment.

498. Specifically, the WWE concealed material facts and information with the intent to evade the truth, which caused Nelson Frazier to become exposed to the harm referenced above.

499. Nelson Frazier justifiably relied on the WWE's fraudulent omissions to his detriment.

500. Given the WWE's superior and special knowledge and resources, Nelson Frazier reasonably relied upon the WWE for guidance on head injuries and concussions, and reasonably relied upon the WWE's fraudulent omissions of material fact, which concealed and minimized the perceived risks of repetitive brain impacts that WWE Talent suffered while wrestling for the WWE.

501. Had Nelson Frazier been aware of such information he would have ensured that he received appropriate medical treatment and ensured that he was completely healthy and his brain had completely healed before returning to the ring.

502. As a direct and proximate result of the WWE's fraud by omission and failure to warn, Nelson Frazier suffered serious injuries, including but not limited to long-term neurological damage, and the serious symptoms and disorders resulting from that damage.

503. Wherefore, Plaintiff, individually, as successor in interest, and as personal representative of the Estate of Nelson Frazier, seeks and is entitled to recover the full measure of damages allowed under applicable law from the WWE on behalf of herself and the Estate.

COUNT VI
Vicarious Liability

504. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs as if specifically pled herein.

505. Defendant WWE employs agents and employees to carry out its various business functions, including all functions related to contact with wrestlers, including but not limited to Nelson Frazier, Jr.

506. At all times relevant to this case, employees and agents of WWE acted with the actual, implied, or apparent authority of Defendant WWE.

507. At all times relevant to this case, employees and/or agents of WWE, in their dealings with Nelson Frazier, Jr., acted within the course and scope of their employment or authority with WWE.

508. At all times relevant to this case, WWE is vicariously liable for negligent, reckless, willful, wanton, or other actions and/or omissions perpetrated by employees and/or agents of WWE, for all harms caused to Plaintiff and Nelson Frazier, Jr.

COUNT VII
Wrongful Death

509. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs as if specifically pled herein.

510. Cassandra Frazier was the wife of Nelson Frazier at the time of his death at the age of 43.

511. Nelson Frazier's untimely death on or about February 18, 2014 was a direct and proximate result of having suffered multiple past traumatic brain injuries while wrestling for the WWE as a WWE Talent from 1993 to 2008.

512. The WWE knew for decades of the potential harmful effects on a wrestler's brain of multiple concussions and head trauma; however the WWE has concealed these facts from the WWE Talent, including Nelson Frazier and the public, with negligent disregard for Nelson Frazier's safety and life. Nelson Frazier's death was a direct and proximate result of the WWE's negligence.

513. The WWE knew and understood that persons who sustained repetitive concussive events, sub-concussive events, and/or other brain injuries are at significantly greater risk for chronic neuro-cognitive illness and disabilities, including potentially life-threatening illnesses, disabilities, and complications, whether during their wrestling careers or, especially, later in life.

514. The WWE and the WWE Medical Staff were obsessed with the size of Nelson Frazier's characters and repeatedly glorified and utilized Nelson Frazier's weight against sound medical advice for the sole purpose of corporate profit and greed. The WWE Medical Staff, instead of providing appropriate medical care, diagnosis, treatment,

and advice, routinely upheld the WWE's corporate agendas over their licensed medical duties.

515. As a direct and proximate result of the WWE's wanton, reckless, and negligent actions, Nelson Frazier suffered severe symptoms from concussions, sub-concussions, and CTE, including disfiguring scar tissue, head trauma, confusion, disorientation, short-term memory loss, difficulty performing basic tasks, severe migraines, and severe depression, along with other serious complications resulting from the injuries sustained as a result of the Defendants' negligence, including Nelson Frazier's untimely death.

516. As a direct and proximate result of the WWE's negligence, Nelson Frazier was put in a worse-off state of well-being as evidenced by the above complications, which to a reasonable degree of medical certainty, more likely than not attributed to Nelson Frazier's heart attack and his inability to survive the heart attack.

517. As a direct and proximate result of the WWE's actions, Cassandra Frazier suffered and will continue to suffer in the future the loss of Nelson Frazier's love, companionship, comfort, affection, society, moral support, and solace related to Nelson Frazier's untimely death, and have been caused great mental shock and suffering. Cassandra Frazier has and will forever be caused grief and sorrow by the loss of her husband Nelson Frazier's society and companionship. Cassandra Frazier has been deprived of his future guidance, experience, and judgment. She has incurred and suffered the following actual and consequential damages:

- (a) Mental and physical suffering;
- (b) Loss of time;

- (c) Funeral and burial expenses; and
- (d) The pecuniary value of life of Nelson Frazier, including loss of consortium.

518. Plaintiff brings suit for all claims of Nelson Frazier, Jr., and all damages and relief awardable, pursuant to Tenn. Code Ann. § 20-5-101 et seq., for the wrongful death of Nelson Frazier, Jr., seeking compensation for the harms caused Nelson Frazier, Jr. by WWE prior to his death, as well as the pecuniary value of his life.

519. As a further result and because of the reckless, willful, negligent, and grossly negligent conduct (more particularly set out in other paragraphs of the Complaint) of the Defendants, the Plaintiff is entitled to actual, consequential, and punitive damages in an amount to be determined by the jury in accordance with the law and evidence in this case.

520. Wherefore, Plaintiff, as the wife, successor in interest, and/or personal representative of the Estate of Nelson Frazier, is entitled to recover actual, consequential, and punitive damages, together with costs of this action, and for such other relief as this Court may deem fit, just, and proper.

COUNT VIII Punitive Damages

521. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs as if specifically pled herein.

522. The WWE's conduct evidences an intentional, willful, wanton and/or reckless disregard for the safety, well-being, and condition of Nelson Frazier, Jr., in order to profit from the entertainment value of their business by repeatedly and consistently choosing to emphasize corporate profit and greed over the health, safety, and well-being

of the WWE Talent by developing a culture where wrestlers were required to fight through the pain and sustain severe head trauma all while the WWE continued to disregard medical science and the scientific evidence regarding concussions and sub-concussions.

523. The WWE's callous disregard for safety resulted in the serious, permanent, physical and emotional injuries and Nelson Frazier's death and has put other WWE Talent at great risk.

524. Under the laws of Tennessee, and by reason of the foregoing, Plaintiff is entitled to recover punitive damages and other damages allowable by law, in an amount to be determined by a jury including, in addition to other damages asserted herein.

COUNT IX
Loss of Consortium Suffered by Cassandra Frazier

525. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs as if specifically pled herein.

526. As the wife of Nelson Frazier, Plaintiff is entitled to bring this action pursuant to applicable law.

527. Prior to his death, Nelson Frazier experienced years of headaches, severe migraine headaches, loss of memory, memory lapses and deficiency, confusion, disorientation, sleeping problems, cervical spine arthritis, dizziness, impulse control problems, suicidal thoughts, severe depression, bi-polar mood symptoms, anxiety and panic disorder, extreme fatigue and apathy, blurred vision, slurred speech, extreme sensitivity to light and/or irritability.

528. As a direct and proximate result of the WWE's negligence, negligent misrepresentations, fraud, and intentional, willful, reckless and/or wanton conduct,

Cassandra Frazier suffered the loss of Nelson Frazier's consortium, love, companionship, comfort, affection, society, moral support, and solace caused by Nelson Frazier's injuries during his life.

529. Under the laws of Tennessee, Cassandra Frazier, individually, is entitled to recover damages for the loss of her husband's consortium during his life.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant, as follows:

1. For compensatory and general damages according to proof;
2. For special and incidental damages according to proof;
3. For punitive damages according to proof;
4. For costs and disbursements in the action, including reasonable attorney's fees, to the extent permitted by law;
5. For trial by jury; and
6. For all such other, general and further relief as the Court deems just and equitable.

Dated: February 18, 2015



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