



ILLINOIS STATE  
BAR ASSOCIATION

Illinois State Bar Association  
424 South Second Street, Springfield, IL 62701  
800.252.8908 217.525.1760 Fax: 217.525.0712

# Illinois State Bar Association High School Invitational

## Mock Trial Case

*Pat Dunn*  
v.  
*Chris Davies*

None of the characters in this case are real. Any similarity between these characters and living people is coincidental and unintentional.

**This problem is based on a problem prepared by the New Hampshire Bar Association's Law-Related Education Mock Trial Committee and is used with the generous permission of the New Hampshire Bar Association.**

**Special thanks to ISBA staff personnel, the members and associate members of the ISBA's Standing Committee on Law-Related Education for the Public, the Mock Trial Coordinator, Katy Karayannis, Deputy Coordinator, Kelsey Chetosky, Dr. Eisha Wali, and attorney/hockey fan Daniel Twomey for their assistance in preparing the problem.**

© Copyright 2015 Illinois State Bar Association

## **STATEMENT OF THE CASE**

This case involves a dispute between two hockey players arising out of a hockey game that spiraled out of control. The Plaintiff, Pat Dunn, and the Defendant, Chris Davies, members of opposite teams in a semi-professional hockey game, engaged in a fight during the game. Dunn has now filed suit in the State of Illinois, Twenty-Fourth Judicial Circuit, Lincoln County, against Davies based on theories of negligence and battery, alleging that s/he sustained numerous injuries and substantial medical bills, and lost work, as a result of Davies's conduct during the game. Specifically, Dunn alleges that Davies struck Dunn in the head with a hockey stick during the altercation.

Davies has denied the allegations and has raised several affirmative defenses.

### **Witness List**

#### *Plaintiff Witnesses*

Pat Dunn  
Dr. Taylor Worsley, MD  
Lee Parker

#### *Defense Witnesses*

Chris Davies  
Terry Craig  
Dr. Cameron Leonard, MD

### **Exhibit List**

1. Letter to Pat Dunn's attorney from Dr. Worsley
2. Dr. Taylor Worsley's CV
3. Dr. Cameron Leonard's CV
4. CT Scan of Pat Dunn
5. Diagram of hockey arena

IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT  
LINCOLN COUNTY, ILLINOIS

PAT DUNN,  
Plaintiff,

v.

CHRIS DAVIES,  
Defendant.

)  
)  
)  
)  
)  
)  
)

Case No. 15-L-4242

**COMPLAINT**

NOW COMES the Plaintiff, Pat Dunn, by his/her attorneys, and for his/her Complaint against the Defendant, Chris Davies, states as follows:

**Jurisdiction**

1. This is a civil action by Plaintiff seeking to recover money damages from Defendant.
2. Plaintiff seeks recovery under the alternate causes of action of negligence (Count 1) and battery (Count 2).
3. Venue of this action is proper in this Court as the acts and conduct giving rise to the causes of action all occurred in Lincoln County, State of Illinois.

**The Parties**

4. Plaintiff Pat Dunn is an adult individual who resides in the City of Thomasboro, County of Lincoln, State of Illinois.
5. Defendant Chris Davies is an adult individual who resides in the City of Garmanville, County of Lincoln, State of Illinois.

**Common Allegations**

6. For the three (3) year period prior to February 17, 2015, Plaintiff was a member of a semi-professional hockey team known as the Lincoln City Chargers.
7. Prior to becoming a member of that semi-professional hockey team, Plaintiff had played hockey for four (4) years on his/her high school varsity hockey team; for four (4) years as a scholarship college hockey player at Lincoln State University, Lincoln City, Illinois; and for two (2) years as a professional minor league hockey player.

8. On or about February 17, 2015, the Lincoln City Chargers played a semi-professional hockey game against the Breaside Bolts at the Everett Arena in Lincoln City, Illinois.

9. Plaintiff played in that semi-professional hockey game.

10. Defendant was a member of the Breaside Bolts hockey team and played in that semi-professional hockey game.

11. During that semi-professional hockey game Defendant struck Plaintiff in the head with Defendant's hockey stick.

12. As a direct and proximate result of being hit in the head by Defendant, Plaintiff lost consciousness.

13. As a direct and proximate result of being hit in the head by Defendant, Plaintiff was hospitalized at nearby Western Valley Hospital for one week, at which hospital Plaintiff received medical care and treatment.

14. As a direct and proximate result of being hit in the head by Defendant, Plaintiff suffered several injuries, including a fractured skull, a subdural hematoma, and other physical, mental, and emotional trauma.

15. As a direct and proximate result of being hit in the head by Defendant, Plaintiff has incurred medical expenses of \$100,000.00 as of the date of the filing of this Complaint. Plaintiff has no medical insurance.

16. At the time of the semi-professional hockey game, Plaintiff was and had been for the past ten (10) years, employed as a sportscaster with WLNC TV, a television station, and for which work he was earning \$10,000.00 per month.

17. As a direct and proximate result of these injuries, Plaintiff lost two weeks of time away from his work.

**Count 1  
(Negligence)**

18. Plaintiff realleges and incorporates by reference paragraphs 1 through 17, inclusive, as set forth above, as and for paragraph 18 of this Complaint, as though fully set forth herein.

19. At the time that Defendant was participating in the semi-professional hockey game, Defendant had a duty to use proper care in the use of his/her hockey stick and to avoid using his/her hockey stick in such a manner as to cause injury to other persons.

20. At the time that Defendant was participating in the semi-professional hockey game, Defendant breached that duty in that Defendant caused his/her hockey stick to strike the head of Plaintiff, causing Plaintiff to suffer numerous injuries and damages as alleged above in this Complaint.

21. At the time that Defendant was participating in the semi-professional hockey game, Defendant was not privileged to strike the head of Plaintiff with his/her hockey stick.

22. Plaintiff did not consent to such contact by Defendant at no time either before or during the semi-professional hockey game.

23. As a direct and proximate cause of such contact by Defendant, Plaintiff has suffered injuries and damages.

WHEREFORE, Plaintiff prays that this Court enter judgment in favor of Plaintiff and against Defendant on Count 1 of Plaintiff's Complaint and award Plaintiff compensatory damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00), to award Plaintiff his/her costs of this action, and to award Plaintiff such further relief as this Court finds is equitable and warranted.

**Count 2**  
**(Battery)**  
**(In the Alternative)**

24. Plaintiff realleges and incorporates by reference paragraphs 1 through 17, inclusive, as set forth above, as and for paragraph 24 of this Complaint, as though fully set forth herein.

25. At the time that Defendant was participating in the semi-professional hockey game, Defendant intentionally struck Plaintiff in the head with his/her hockey stick, causing Plaintiff to suffer numerous injuries and damages as alleged above in this Complaint.

26. At the time that Defendant was participating in the semi-professional hockey game, Defendant was not privileged to strike the head of Plaintiff with his/her hockey stick.

27. Plaintiff did not consent to such contact by Defendant at no time either before or during the semi-professional hockey game.

28. As a direct and proximate cause of such contact by Defendant, Plaintiff has suffered injuries and damages.

WHEREFORE, Plaintiff prays that this Court enter judgment in favor of Plaintiff and against Defendant on Count 2 of Plaintiff's Complaint and award Plaintiff compensatory damages in an amount of in excess of Fifty Thousand Dollars (\$50,000.00), to award Plaintiff his/her costs of this action, and to award Plaintiff such further relief as this Court finds is equitable and warranted.

**PLAINTIFF DEMANDS TRIAL BY JURY ON ALL COUNTS**

Pat Dunn, Plaintiff

By: Jamie R. Freeman  
Attorney-At-Law, #24681357  
One of Plaintiff's Attorneys

IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT  
LINCOLN COUNTY, ILLINOIS

PAT DUNN, )  
Plaintiff, )  
 )  
v. ) Case No. 15-L-4242  
 )  
CHRIS DAVIES, )  
Defendant. )

**RULE 222 AFFIDAVIT**

The undersigned, being first duly sworn upon his oath, deposes and says:

1. I am an adult resident of Logan County, Illinois, and under no legal disability.
2. I am the attorney for the Plaintiff in the above-captioned lawsuit.
3. That the total money damages sought by Plaintiff in the above-captioned lawsuit, exclusive of interest and costs, is more than \$50,000.00.

Further Affiant sayeth naught.

Pat Dunn, Plaintiff

By: Jamie R. Freeman  
Attorney-At-Law, #24681357  
One of Plaintiff's Attorneys

STATE OF ILLINOIS, COUNTY OF LINCOLN

Subscribed and sworn to, before me, on this 1 day November of, 2015.

Elizabeth Black

Notary Public  
My Commission Expires December 31, 2017.

IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT  
LINCOLN COUNTY, ILLINOIS

PAT DUNN, )  
Plaintiff, )  
 )  
v. ) Case No. 15-L-4242  
 )  
CHRIS DAVIES, )  
Defendant. )

**ANSWER AND AFFIRMATIVE DEFENSES**

NOW COMES the Defendant, Chris Davies, by his/her attorney, and for his/her Answer and Affirmative Defenses to Plaintiff's Complaint, states as follows:

**ANSWER**

**Jurisdiction**

1. This allegation is not an allegation of fact but a legal conclusion and therefore no answer is required.
2. This allegation is not an allegation of fact but a legal conclusion and therefore no answer is required.
3. This allegation is not an allegation of fact but a legal conclusion and therefore no answer is required.

**The Parties**

4. Admit.
5. Admit.

**Common Allegations**

6. Defendant is without sufficient information or knowledge to form a belief as to the truth of this allegation.
7. Defendant is without sufficient information or knowledge to form a belief as to the truth of this allegation.
8. Admit.
9. Admit.
10. Admit.

11. Admit except that Defendant denies any implication of this allegation that Defendant is liable in any manner to Plaintiff.

12. Defendant is without sufficient information or knowledge to form a belief as to the truth of this allegation.

13. Defendant is without sufficient information or knowledge to form a belief as to the truth of this allegation.

14. Defendant is without sufficient information or knowledge to form a belief as to the truth of this allegation.

15. Defendant is without sufficient information or knowledge to form a belief as to the truth of this allegation.

16. Defendant is without sufficient information or knowledge to form a belief as to the truth of this allegation.

17. Defendant is without sufficient information or knowledge to form a belief as to the truth of this allegation.

**Count 1  
(Negligence)**

18. Defendant realleges and incorporates by reference paragraphs 1 through 17, inclusive, as set forth above, as and for his/her Answer to paragraph 18 of this Complaint, as though fully set forth herein.

19. This allegation is not an allegation of fact but is an allegation of a legal conclusion therefore no answer is required.

20. This allegation is not an allegation of fact but is an allegation of a legal conclusion therefore no answer is required, however Defendant denies that he/she breached any legal duty at the time that he/she participated in that semi-professional hockey game.

21. This allegation is not an allegation of fact but is an allegation of a legal conclusion therefore no answer is required.

22. This allegation is not an allegation of fact but is an allegation of a legal conclusion therefore no answer is required.

23. Denied.

24. Denied.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE - ASSUMPTION OF RISK**

1. Plaintiff, an experienced hockey player, knowingly and voluntarily participated in a competitive hockey game.

2. Hockey games, such as the game on which Plaintiff's Complaint is based, customarily and inherently by the nature of the sport have and require players to have contact with each other.

3. Hockey games such as the game on which Plaintiff's Complaint is based, customarily and inherently have periodic incidents of fighting between the players.

4. Accordingly, by knowingly and voluntarily participating in the hockey game that is the subject of Plaintiff's Complaint, Plaintiff knowingly assumed the risk that the incident and injuries about which s/he complains would occur and that Plaintiff could suffer injuries and damages of the type and kind about which s/he complains.

#### **SECOND AFFIRMATIVE DEFENSE – COMPARATIVE NEGLIGENCE**

1. As a participant in the hockey game about which Plaintiff complains, Plaintiff knowingly and voluntarily put him/herself in a situation where s/he voluntarily encountered Defendant and the risk inherent in the contact sport of hockey being played in that game.

2. As a direct and proximate consequence of Plaintiff putting him/herself at risk of exposure to being hit by Defendant's hockey stick, Plaintiff was negligent.

3. Assuming *arguendo* that Defendant's conduct is found to be negligent, Plaintiff's conduct was comparatively negligent.

4. Should Plaintiff's negligent conduct be found to be fifty percent (50%) or less at fault for the proximate cause his/her own injuries and damages when compared to Defendant's fault, then the award of any damages in this case to Plaintiff should be reduced proportionately with the extent of Plaintiff's comparative negligence.

### **THIRD AFFIRMATIVE DEFENSE - COMPARATIVE NEGLIGENCE**

1. Plaintiff participated in the semi-professional hockey game knowing that in hockey games there is a risk that Plaintiff would be exposed to being hit in the head.

2. Notwithstanding that Plaintiff was aware that s/he might be hit in the head during his/her participation in the hockey game, Plaintiff participated in the semi-professional hockey game without wearing a helmet to provide protection against injury to his/her head.

3. As a direct and proximate consequence of Plaintiff knowingly failing to wear a helmet to provide protection against injury to his/her head during the hockey game, Plaintiff was negligent.

4. Assuming *arguendo* that Defendant's conduct is found to be negligent, Plaintiff's conduct was comparatively negligent.

5. Should Plaintiff's negligent conduct be found to be greater than fifty percent (50%) at fault for the proximate cause of his/her own injuries and damages when compared to Defendant's fault, then Plaintiff should be barred from recovering any damages.

WHEREFORE, Defendant prays that this Court enter judgment in favor of Defendant and against Plaintiff on Count 1 of Plaintiff's Complaint, deny Plaintiff any relief, and award Defendant his/her costs of this action and such further relief as this Court finds is equitable and warranted.

### **Count 2 (Battery) (In the Alternative)**

1. Denied.

2. This allegation is not an allegation of fact but an allegation of a legal conclusion therefore no answer is required.

3. Denied.

4. Denied.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE – SELF DEFENSE**

1. During the hockey game that is the subject of Plaintiff's Complaint, Plaintiff intentionally skated towards Defendant and without Defendant's consent and in disregard of the

rules and customs of hockey, Plaintiff intentionally, aggressively and quickly punched Defendant in the face with his/her glove.

2. Plaintiff punched Defendant in the face so hard that it caused Defendant's helmet to come off of Defendant's head and it knocked Defendant backwards.

3. Plaintiff then took actions which indicated that Plaintiff intended to approach Defendant again and further batter Defendant.

4. Reasonably believing that Defendant was in imminent danger of further harm, and feeling threatened from Plaintiff's punch and actions, Defendant instinctively swung his/her hockey stick in order to protect him/herself.

5. It was reasonable under the circumstances for Defendant to have swung his/her hockey stick to protect him/herself from further assault and battery by Plaintiff.

6. Any contact of Defendant's hockey stick with Plaintiff was therefore a matter of self-defense.

#### **SECOND AFFIRMATIVE DEFENSE - CONSENT**

1. Plaintiff, an experienced hockey player, knowingly and voluntarily participated in a competitive hockey game.

2. Hockey games, such as the game on which Plaintiff's Complaint is based, customarily and inherently by the nature of the sport have and require players to have contact with each other.

3. Hockey games, such as the game on which Plaintiff's Complaint is based, customarily and inherently have periodic incidents of fighting between the players.

4. By knowingly and voluntarily participating in the hockey game, Plaintiff consented to the contact with Defendant about which Plaintiff now complains.

WHEREFORE, Defendant prays that this Court enter judgment in favor of Defendant and against Plaintiff on Count 2 of Plaintiff's Complaint, deny Plaintiff any relief, and award Defendant his/her costs of this action and such further relief as this Court finds is equitable and warranted.

**DEFENDANT DEMANDS JURY TRIAL ON ALL COUNTS**

Chris Davies, Defendant

By: *Skylar M. Burke*  
Attorney-At-Law, #0102030405  
One of Defendant's Attorneys

IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT  
LINCOLN COUNTY, ILLINOIS

PAT DUNN, )  
Plaintiff, )  
 )  
v. ) Case No. 15-L-4242  
 )  
CHRIS DAVIES, )  
Defendant. )

**PLAINTIFF’S ANSWER TO DEFENDANT’S AFFIRMATIVE DEFENSES**

NOW COMES the Plaintiff, Pat Dunn, by his/her attorney, and in Answer to Defendant’s Affirmative Defenses, states as follows:

**FIRST AFFIRMATIVE DEFENSE AS TO COUNT I**

1. Admit.
2. Admit.
3. Admit.
4. Deny.

**SECOND AFFIRMATIVE DEFENSE AS TO COUNT I**

1. Admit.
2. Deny.
3. Deny.
4. Deny that Plaintiff was negligent and deny that Plaintiff’s conduct, if found to be negligent, was of such a degree compared to Defendant’s negligent conduct so as significantly reduce any award of damages to Plaintiff.

**THIRD AFFIRMATIVE DEFENSE AS TO COUNT I**

1. Admit.
2. Admit.
3. Deny.
4. Deny.

5. Deny that Plaintiff was negligent and deny that Plaintiff's conduct, if found to be negligent, was of such a degree compared to Defendant's negligent conduct so as bar Plaintiff from recovery any damages.

**FIRST AFFIRMATIVE DEFENSE AS TO COUNT II**

1. Deny.
2. Admit.
3. Deny.
4. Deny.
5. Deny.
6. Deny.

**SECOND AFFIRMATIVE DEFENSE AS TO COUNT II**

1. Admit.
2. Admit except Deny that hockey games customarily or inherently require players to be exposed to intentionally being battered by other players participating in the hockey game.
3. Admit except Deny that hockey games customarily or inherently require players to be exposed to intentionally being battered by other players participating in the hockey game.
4. Deny.

WHEREFORE, Plaintiff prays that this Court enter judgment in favor of Plaintiff and against Defendant on each of Defendant's Affirmative Defenses.

Pat Dunn, Plaintiff

By: Jamie R. Freeman  
Attorney-At-Law, #24681357  
One of Plaintiff's Attorneys

IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT  
LINCOLN COUNTY, ILLINOIS

PAT DUNN, )  
Plaintiff, )  
 )  
v. ) Case No. 15-L-4242  
 )  
CHRIS DAVIES, )  
Defendant. )

**STIPULATIONS**

1. Dr. Taylor Worsley and Dr. Cameron Leonard are stipulated to be experts.
2. Dr. Worsley and Dr. Leonard's affidavits are their respective medical reports.
3. A CT Scan was performed on Pat Dunn on March 3, 2015. The parties have waived all claims against Dr. Leonard for his failure to perform the scan at an earlier time.
4. All documents and exhibits in the case packet are true and accurate copies of the exhibit. Counsel may NOT object to the use of a black and white copy of any exhibit during trial.
5. All witness affidavits are true and accurate copies of the affidavits.
6. All objections as to the admissibility of the CT scan of Pat Dunn have been waived.
7. The diagram of the hockey rink is drawn to scale.

By: Jamie R. Freeman  
Attorney-At-Law, #24681357  
One of Plaintiff's Attorneys

Skylar M. Burke  
Attorney-At-Law, #0102030405  
One of Defendant's Attorneys

IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT  
LINCOLN COUNTY, ILLINOIS

PAT DUNN, )  
Plaintiff, )  
 )  
v. ) Case No. 15-L-4242  
 )  
CHRIS DAVIES, )  
Defendant. )

**PRE-TRIAL RULING ON DEFENDANT’S MOTION TO DISMISS**

Defendant has made this motion to dismiss on the basis of caselaw regarding sports related injuries. That case held that a plaintiff may not bring a cause of action for negligence for an injury sustained during a sporting event. That the case further holds that that a plaintiff may only recover for an injury sustained during a sporting event if the defendant inflicts the injury willfully or wantonly. Defendant therefore argues that Plaintiff’s claim of negligence should be dismissed.

After hearing arguments from Plaintiff and Defense counsel on Defendant’s motion to dismiss pursuant to caselaw, this Court DENIES Defendant’s motion to dismiss. This Court finds that the reasoning in that caselaw is unpersuasive. Therefore, this Court hereby holds that Plaintiff may recover from Defendant even if Defendant’s conduct was not willful or wanton.

Defendant’s motion to dismiss is therefore DENIED. This matter is set for trial on April 2, 2016 and April 3, 2016.

*Judge Catherine Meyer*

Decided November 1, 2015

### **Plaintiff Witness Affidavit: Pat Dunn**

1 I, Pat Dunn, hereby state, under oath, as follows:

2 I currently reside at 88 North Main Street in Thomasboro, Illinois. I was born on March 4, 1988  
3 in Lincoln City, Illinois. I am married to Alex Dunn and we have 3-year-old twins, Raquel and  
4 Michael. Alex works as a kindergarten teacher. I worked at WLNC TV as a sports newscaster  
5 before the incident on February 17, 2015. Since the incident, I have been unable to return to  
6 work full time because of the injuries I sustained. I earned \$100,000 per year before the incident.

7 I graduated from M.J. Theis High School in 2006. I played varsity hockey in high school and  
8 was good enough to get a scholarship to Lincoln State University where I played for four years. I  
9 graduated from Lincoln State University in 2010 with a Bachelor of Arts degree in Radio and  
10 Television, specializing in sports broadcasting.

11 The best part of college, other than hockey, was meeting my spouse. We got married right after  
12 we graduated in 2010. Instead of going on a honeymoon, Alex traveled around the country with  
13 me while I played minor league hockey. In 2012, after two years of playing in the minor  
14 leagues, I retired from professional hockey because Alex and I found out we were having twins.  
15 I entered into the business world to make some money to support my family.

16 Even though I quit the minor leagues, I couldn't give up hockey completely because I love it so  
17 much. So, I joined the Lincoln City Chargers, a semi-professional team sponsored by my  
18 employer. I have played for the Chargers for the past three years.

19 On February 17, 2015, the Chargers had a game against our rivals, the Breaside Bolts. We have  
20 played several games against them in the past few years. The games have always been heated  
21 and it seems like a fight almost always breaks out. On February 17, 2015, I was getting ready in  
22 our team's locker room before the game and one of the players from the Bolts walked in. It  
23 surprised me because I was alone in the locker room. I recognized the player as Chris Davies,  
24 who I knew had a reputation of being very aggressive and rough during the games. I had watched  
25 him/her play before and everyone in the hockey community had been talking about how rough  
26 s/he was. When Davies walked into the locker room, all s/he did was say, "You and your team  
27 better watch out, I'm coming for you guys tonight!" Then s/he walked out before I could even  
28 say anything!

29 In the game against the Breaside Bolts on February 17, 2015, I was playing as a defenseman. I  
30 wasn't wearing a helmet during the game. Although I didn't wear a helmet that day, other  
31 members of my team did wear helmets. I don't like helmets because I think they're  
32 uncomfortable. You also can't see as well because they cut down your peripheral vision. I  
33 haven't worn a helmet while playing hockey in the past three years because our semi-  
34 professional league doesn't have a rule requiring helmets. I don't recollect anyone saying  
35 anything to me on the night of the game about helmets.

36 In the second period, I was skating on the right side of the rink when I saw Chris Davies flying  
37 down on my side of the ice. I tried to catch up with Davies as he went around me and, while I  
38 was skating toward Davies, I accidentally got my stick tangled in her/his skates. Davies went

39 down in a heap. I was waiting for a whistle, expecting a penalty, when all of a sudden I got my  
40 feet pulled out from under me. Davies had deliberately tripped me!

41 When I fell, my head hit the ice pretty hard. I felt a sharp pain in my head, but you can't let  
42 another player take advantage of you like that in hockey or everyone in the league will push you  
43 around. I got back to my feet and, without thinking, I punched Davies in the mouth. I saw  
44 Davies immediately raise her/his stick in the air, but I don't remember what happened after that.  
45 The next thing I remember was waking up in Western Valley Hospital in the emergency room.

46 When I finally came-to, I realized that Davies had hit me on the head with her/his stick. The  
47 doctor at the hospital told me that I had been hurt pretty badly as a result of Davies taking me  
48 down. Even though my head felt like it had been hit by a train, I answered the doctor's questions  
49 to the best of my ability. I was having trouble focusing on what the doctor was telling me –  
50 everything seemed to be moving around and blurring together because of the ache in my head.

51 The doctor told me I'd been knocked unconscious and that I had badly bruised my back and side  
52 from the fall. I also needed about thirty stitches on my forehead where Davies hit me with the  
53 stick. The nurses bandaged my head and said that I needed to stay in the hospital for a week so  
54 they could monitor my healing.

55 After a week, I thought I was feeling better. My head still hurt, but the medication helped. I was  
56 released from the hospital on February 24, 2015. However, once I got home, it seemed like  
57 everything got worse. I was dizzy all the time and my vision sometimes blurred because of the  
58 horrible pain. I decided to go back to the hospital on March 3, 2015. When I got to the hospital,  
59 the doctors gave me a CT Scan.

60 After looking at the CT Scan, the doctor concluded that I have a subdural hematoma. That  
61 means that because of how hard Davies hit me, I have blood on the inside of my skull, which the  
62 doctors need to monitor. It's really scary. I have medical check-ups bi-weekly so that the  
63 doctors can observe my condition. To this day I also have horrible headaches, some memory  
64 loss, sensitivity to light and noise, and some sleepiness.

65 I had to stay in the hospital for one week and lost all that time from work without pay. I also  
66 spent some additional time in the hospital when I had to go back to get the CT scan. When I went  
67 back to work, I realized that I was having difficulty completing tasks at work due to the side  
68 effects of the injury I sustained when Davies hit me with her/his hockey stick. But the worst part  
69 is that I now owe over \$100,000 in medical bills for the treatment I received from this incident. I  
70 don't have medical insurance coverage because my medical insurance from work doesn't cover  
71 injuries related to playing sports and I have a lot of student loans and other expenses and haven't  
72 been able to purchase extra insurance. I can't afford to pay the medical bills out of pocket and  
73 I'm afraid I might need to declare bankruptcy and lose my family's home. The injuries Davies  
74 caused have put a lot of stress on my family and my marriage. I'm really worried about  
75 providing for Alex and my kids in the future.

76 I have hit my head once before, but that was when I was about fifteen years old. That happened  
77 when I was playing varsity hockey for my high school hockey team. I got checked into the  
78 boards and fell and hit the back of my head. I went to the doctor and everything for that injury

79 and I was cleared by my doctor to keep playing after two weeks of resting. It wasn't anything  
80 serious, and I haven't noticed any lasting effects from that fall. I felt fine before being hit by  
81 Chris Davies on February 17, 2015.

*Pat Dunn*

STATE OF ILLINOIS, COUNTY OF LINCOLN

Subscribed and sworn to, before me, the undersigned officer, by Pat Dunn on this 1 day  
November of, 2015.

*Elizabeth Black*

Notary Public  
My Commission Expires December 31, 2017.

**Plaintiff Witness Affidavit: Dr. Taylor Worsley**

1 I, Taylor Worsley, hereby state, under oath, as follows:

2 I am a board-certified neurologist in the State of Illinois. I graduated from Southern Illinois  
3 University School of Medicine in 1981 and did my residency at Mary L. Kilbride Hospital in  
4 Loganville, Illinois. I began my practice, The Worsley Medical Group, in Dale Grove, Illinois in  
5 1985. My board-certification is through the American Board of Psychiatry and Neurology.

6 I examined Pat Dunn on March 13, 2015. In addition, I reviewed both the CT scan that was  
7 taken at Western Valley Hospital on March 3, 2015. I noted that the CT Scan revealed that Dunn  
8 suffered a fracture of the left front area of the skull, resulting in a subdural hematoma and  
9 damage to the frontal lobe.

10 During my evaluation of Dunn on March 13, 2015, which took place in my office, Dunn  
11 displayed difficulties with visual and recall memory, slowed information processing, and  
12 inattentiveness. I asked Dunn to describe the incident. Dunn stated that s/he was struck in the  
13 head with a hockey stick, and that s/he was not wearing a helmet at the time. Dunn told me that  
14 s/he had no recollection of what happened after s/he was struck.

15 I conducted a number of assessments, including computerized cognitive testing, computerized  
16 balance testing, clinical cognitive and balance testing and symptom assessment. Dunn was  
17 experiencing ongoing and severe headaches, including migraines; other physical symptoms  
18 included poor balance, sensitivity to light and noise, and unusual sleepiness. Dunn said that s/he  
19 was having issues completing work on time and was also experiencing tension in her/his  
20 relationships at home.

21 Dunn told me that the Western Valley Hospital did not administer a CT Scan until two weeks  
22 after the incident. When I reviewed the CT scan, it revealed the presence of a subdural  
23 hematoma. This hematoma was caused by the blow to Dunn's skull during the hockey game.  
24 There are two types of subdural hematomas – acute and chronic. An acute subdural hematoma is  
25 a clot of blood that develops between the surface of the brain and the dura mater, the brain's  
26 tough outer covering, usually due to stretching and tearing of veins on the brain's surface. A  
27 chronic subdural hematoma is an "old" collection of blood and blood breakdown products  
28 between the surface of the brain and the dura matter. On a CT Scan, an acute subdural hematoma  
29 looks lighter and a chronic subdural hematoma looks darker.

30 The CT Scan of Pat Dunn is consistent with a chronic subdural hematoma. In my professional  
31 opinion the only reason that the CT scan reads as being consistent with a chronic subdural  
32 hematoma is because the CT Scan was taken two weeks after the incident. In my expert opinion,  
33 if the CT Scan was taken on February 17, 2015, it would have shown that Pat Dunn suffered  
34 from an acute subdural hematoma and the CT scan would have shown new, brighter blood.  
35 However, because the CT Scan was taken two weeks after the incident, the blood looks darker.  
36 Dunn's injury is consistent with an acute subdural hematoma, which is among the deadliest of all  
37 head injuries. When Dunn's head was struck with the hockey stick, the pressure caused the  
38 subdural hematoma to form quickly, and the symptoms appeared almost immediately. It is my  
39 understanding that, following the blow to the head, Dunn immediately lost consciousness. Loss

40 of consciousness is consistent with an acute subdural hematoma.

41 Based on my examination of Dunn's symptoms, Dunn also sustained damage to the frontal lobe  
42 of her/his brain and could suffer some loss of memory as a result of that damage. At this stage, it  
43 is too early to tell what the full extent of Dunn's injuries will be. Treatment for subdural  
44 hematomas often includes surgery, depending on the severity. However, in some cases, very  
45 small subdural hematomas that do not produce signs or symptoms do not have to be removed.  
46 More severe or dangerous subdural hematomas require surgery to reduce the pressure on the  
47 brain.

48 Dunn's smaller subdural hematoma does not need to be removed. I have opted to simply  
49 observe the subdural hematoma with repeated head imaging tests. Dunn is scheduled for bi-  
50 weekly check-ups to ensure that a complication does not develop. I have also recommended  
51 medications designed to reduce and control swelling in the brain, such as diuretics and  
52 corticosteroids. In the future, it is likely that Dunn will continue to be affected by these  
53 symptoms. Typically, the patients that I examine with severe head injuries suffer from  
54 reoccurring medical issues associated with the injury for the rest of their lives. I do not  
55 recommend Dunn play any contact sports or participate in any strenuous activity until s/he is  
56 fully recovered.

57 Dunn did tell me about a previous incident that happened when Dunn was fifteen years old.  
58 When Dunn was in high school, s/he hit his/her head on the ice during a hockey game. Dunn told  
59 me that, other than hitting his/her head, s/he suffered no other ill effects from that incident. It is  
60 my conclusion, however, that Dunn's head was fully healed at the time of the incident on  
61 February 17, 2105. I based this conclusion on my discussion with Pat Dunn during his  
62 examination.

63 I have been qualified as an expert witness in more than one hundred cases involving neck and  
64 head injuries. My hourly rate for testifying is \$1,000.00. I have testified in cases for plaintiff's  
65 counsel in the past and I advertise my services mainly to plaintiffs, although I have testified on  
66 behalf of defendants in a few cases. In late February 2015, I was asked to examine Dunn at the  
67 request of Dunn's attorneys. In addition to my testimony, I have provided my Curriculum Vitae  
68 and a letter that I sent to Dunn's attorneys in this case on March 5, 2015.

*Dr. Taylor Worsley, MD*

STATE OF ILLINOIS, COUNTY OF LINCOLN

Subscribed and sworn to, before me, the undersigned officer, by Taylor Worsley on this 1 day  
November of, 2015.

*Elizabeth Black*

Notary Public

My Commission Expires December 31, 2017.

**Plaintiff Witness Affidavit: Lee Parker**

1 I, Lee Parker, hereby state, under oath, as follows:

2 I live in Lincoln City, Illinois. I was officiating at a semi-professional hockey game between the  
3 Breaside Bolts and the Lincoln City Chargers on February 17, 2015 in Lincoln City, Illinois at Everett  
4 Arena. I was acting as the head referee in that game. As head referee, I am responsible for the calling of  
5 the game. I have two linesmen assisting me throughout the game. I have been officiating hockey games  
6 for the past fifteen years.

7 Throughout high school and college, I worked as a referee at hockey games in my spare time to earn a  
8 little bit of extra money. Being a referee is great – it allows you to be a part of the game without  
9 actually being a player. I would say being a referee is even better than being a player, because  
10 refereeing puts you in the middle of the rink and makes you the most important person there. Referees  
11 need to be patient and have a good attitude in order to be successful. Being a referee has also helped to  
12 keep me fit and active. Over the past fifteen years, I have developed a deep understanding of the game.

13 Semi-professional games are not very lucrative for referees. Since there are typically a smaller amount  
14 of fans that attend the game, referees get paid less for semi-professional games. Even though I do not  
15 get paid as much, I still officiate at semi-professional games because it helps me network with the  
16 players and the coaches and develop a good reputation as a referee, which is important to me.

17 In late December 2014 or early January 2015, the Charger’s manager asked me to officiate in a semi-  
18 professional game between the Breaside Bolts and the Chargers on February 17, 2015 and I agreed to do  
19 so. I hadn’t officiated at a game between the two teams before, but I had heard that the Bolts’ head  
20 coach, Terry Craig, had a reputation for wanting to win at all costs. During the second period of the  
21 game, a fight broke out between two players, Chris Davies of the Bolts and Pat Dunn of the Chargers. I  
22 know the Bolts players claim Dunn tripped Davies right before Dunn got hit with a stick. That is not  
23 what I saw, though.

24 Violence and fighting have been a part of ice hockey for the past century. In my experience, fights  
25 definitely have an impact on a team’s success. It is well known that fights provide momentum to teams  
26 and can allow teams to rally off of a teammate fighting an opposing player. Even though it is very hard  
27 to prove how much or how little a fight impacts a team and its performance, it is thought to have a huge  
28 impact on the game’s momentum swing throughout a given game. In a way, fights can be seen as a  
29 performance enhancer to a team and may increase a team's success.

30 On the ice, referees can impose penalties for violent actions such as brawls, physical abuse of officials,  
31 and deliberately injuring opponents. Although often a target of criticism, fighting is a considerable draw  
32 for the sport. Some fans come to games primarily to see fights. There is an ongoing debate over  
33 whether or not fighting in ice hockey should be allowed. However, the majority of fans, as well as  
34 players, oppose eliminating fights from professional hockey games. I would never encourage fighting,  
35 but I obviously understand it is a part of the game.

36 When the game started on February 17, 2015, both teams were playing fairly. The semi-professional  
37 league does not require its players to wear helmets. I would estimate that a little over half of the players

38 do not wear helmets during the games. I do suggest that the players wear helmets for protection. In fact,  
39 before every game that I referee in the semi-professional leagues I make sure to tell the players that they  
40 should wear helmets because not wearing them is a safety risk. I strongly urged the team members on  
41 both Chargers and the Bolts that they should all wear helmets before the start of the game on February  
42 17, 2015. In the first period of the game, I only made two calls for penalties. There was one penalty on  
43 each team and neither of the penalties was on Davies or Dunn. The game seemed to be under control.

44 However, in the second period, everything changed instantly. As the head referee my job is to always  
45 be paying attention to the area of the puck. I was watching the general area of the puck when I saw Dunn  
46 and Davies get into an altercation. Neither of them had the puck but Dunn was chasing after the puck so  
47 I was looking in that direction. The first thing I saw happening between Dunn and Davies was Davies  
48 trip Dunn with her/his stick. Immediately, Dunn got back to her/his feet and Dunn threw a punch at  
49 Davies. Dunn hit Davies in the side of the face with her/his glove on. Davies' head jolted back. As I  
50 raised my hand to call a penalty on Dunn for roughing, Davies retaliated. Davies raised her/his stick  
51 above her/his head and brought the stick down onto Dunn's head. It looked like a hard hit. Dunn fell  
52 down immediately and was motionless on the ice. I rushed over to assess the situation, but by the time I  
53 got across the rink, Dunn was unconscious.

54 When I reached Dunn, I determined that s/he needed medical help, so I directed one of my assistant  
55 linesmen to bring over the medic while I continued to stand next to Dunn. After the incident, Davies  
56 was silent. I did not see Davies check to see if Dunn was ok – s/he just stood there.

57 In my opinion, Davies' use of the stick was extreme, but Dunn did punch Davies in the face with a  
58 gloved hand, so I thought I should impose penalties on both teams. Because Dunn left the game, I gave  
59 the Chargers a two-minute penalty for tripping and a two minute penalty for roughing. I gave Davies a  
60 game misconduct for fighting and removed him/her from the game. The league also investigated the  
61 incident after the game and decided to fine Davies \$500 for game misconduct for using her/his stick in a  
62 fight.

63 I feel that if Dunn had wanted to hurt Davies, Dunn would have dropped her/his gloves and started  
64 punching with her/his bare fists. Hockey gloves are like boxing gloves. They offer protection to the  
65 hands and they are very well padded. There was no need for Davies to resort to using her/his stick. In  
66 my professional experience as a referee, Davies' action was uncalled for.

Lee Parker

STATE OF ILLINOIS, COUNTY OF LINCOLN

Subscribed and sworn to, before me, the undersigned officer, by Lee Parker on this 1 day  
November of, 2015.

Elizabeth Black

Notary Public  
My Commission Expires December 31, 2017.

## Defense Witness Affidavit: Chris Davies

1 I, Chris Davies, hereby state, under oath, as follows:

2 I live in Garmanville, Illinois. I was born on May 15, 1991, in Tacoma, Washington. I have  
3 been playing hockey since I was five years old. I played hockey on a traveling team all through  
4 grade school and high school, as well as on my high school team. I was also the captain of my  
5 high school team for two years. I won the high school championship for our team in my senior  
6 year and was admitted to the University of Loganville in Loganville, Illinois on a full-ride  
7 scholarship.

8 I attended the University of Loganville from 2009 to 2014, when I graduated with a Bachelor of  
9 Science in Business Management. After I graduated from college, I tried out for and was chosen  
10 to be a member of Breaside Bolts semi-professional hockey team. Playing hockey is my job. I  
11 make about \$45,000 a year playing with the Bolts and as you get better and help the team win  
12 more games and tournaments your pay goes up. I didn't have any job outside of playing hockey.

13 The Bolts is one of the most competitive and successful semi-professional teams in the entire  
14 country. I was very excited to be a part of the team. Each year the semi-professional teams  
15 compete in statewide tournament and the winner of that tournament advances to a national  
16 competition. The team that wins the national competition wins \$50,000!

17 There were 25 people on our roster for the Bolts on February 17, 2015. We only had a few more  
18 months before the statewide championships started and we needed to cut five players from our  
19 roster. A team can only have twenty players on the roster at one time for the championship  
20 tournament. Because of those impending cuts, I made sure that I was always on top of my game  
21 and playing my absolute best. I didn't want to come so far only to get cut at the last minute! I  
22 practiced every day and I also made sure that the coaches noticed me in games. I always tried to  
23 score a goal and not get pushed around. I always played a fair game though; I've never  
24 understood the players who are rough for no reason.

25 On February 17, 2015, the Bolts played the Lincoln City Charges, another one of the best teams  
26 in the state, in Lincoln City, Illinois. This was my first time playing against the Chargers, but my  
27 teammates had warned me about them. I was told over and over again that the Chargers play a  
28 lot rougher than we do. I also heard that Pat Dunn, a defenseman, was one of their roughest  
29 players. I was playing left wing in the game against the Chargers. The first period went by pretty  
30 quickly and the Chargers were not playing as rough as usual. That all changed in the second  
31 period, though. I was on the ice, skating down the left side, trying to angle in for a pass from the  
32 center when I was tripped by Dunn. I had never met Dunn before. I believe Dunn intentionally  
33 tripped me with her/his stick because I was trying to get around him/her.

34 After being tripped, I fell to the ice. While I was lying there, Dunn skated past me and started  
35 taunting me and calling me a "wuss." I don't think the ref could hear this because Dunn said it  
36 pretty quietly and the arena was packed and very noisy because all the fans were cheering and  
37 yelling. Well, I have never been called or thought of as a "wuss," so I reached out with my stick  
38 and pulled Dunn's feet out from under him/her.

39 By the time I got up, Dunn was already back on her/his feet, too. Dunn came right at me and  
40 punched me square in the face with a gloved fist. Dunn hit me so hard that my helmet came off.  
41 Dunn's hockey glove was big, heavy, and very hard, and it felt like my jaw was broken! I kind of  
42 staggered backwards on my skates because of the punch. I thought Dunn was going to come at  
43 me again. Dunn started to raise her/his hand up like s/he was going to punch me again. Dunn also  
44 had this really angry and mean look on her/his face. When I saw this I instinctively I swung my  
45 hockey stick at him/her, to protect myself.

46 My stick hit Dunn and Dunn fell to the ice. Dunn was not wearing a helmet. When I looked  
47 down, I saw that Dunn's face was bleeding profusely. Dunn had apparently face-planted into the  
48 ice. I was shocked to see the blood because I didn't mean to hurt Dunn. I just needed to protect  
49 myself. If I had gotten hurt, that would have certainly crushed my chances of making it to the  
50 statewide championship with my team.

51 When I realized that Dunn was injured I felt really bad. I never meant to hurt him/her. I was just  
52 afraid that s/he might hurt me if I didn't do something to protect myself and in the moment my  
53 instincts took over. I would never have intentionally hurt Dunn because Coach Craig had a very  
54 strict policy about being too rough in games and I could have gotten kicked off the team for that  
55 too. Right before Dunn lost consciousness, I bent down to try to help him/her and I heard  
56 him/her say, "If you would of just got out of my way this wouldn't have happened. I'll get back  
57 at you for this." Right after s/he said that, Dunn lost consciousness. I decided at that point to  
58 skate away from Dunn because there was not much else I could do to help and I felt really bad. I  
59 also was afraid someone on Dunn's team would retaliate and try to come after me if I stayed near  
60 Dunn too long.

61 I have only ever gotten in trouble playing hockey one time before. During a game in college, I  
62 got into a fight with another team's player because the team's defenseman shoved me into the  
63 boards. I hit him in the leg with my stick and punched him in the face. I was suspended for one  
64 game for that fight and the defenseman had to get stitches from the hit with my stick. Because of  
65 this incident, I have lost my chance to play with the Bolts in the statewide championship and  
66 now I don't have a job. If Dunn hadn't tripped me first and then almost broken my jaw when s/he  
67 punched me, none of this would have happened.

Chris Davies

STATE OF ILLINOIS, COUNTY OF LINCOLN

Subscribed and sworn to, before me, the undersigned officer, by Chris Davies on this 1 day  
November of, 2015.

Elizabeth Black

Notary Public

My Commission Expires December 31, 2017.

**Defense Witness Statement: Terry Craig**

1 I, Terry Craig, hereby state, under oath, as follows:

2 I am the head coach of the Breaside Bolts semi-professional hockey team. I have been involved  
3 with the game of hockey for about thirty years. I played professional hockey for the New  
4 England Blades for ten years. I have coached hockey at all levels for twenty years. I currently  
5 scout and coach for the Breaside Bolts.

6 I love coaching semi-professional hockey. I think that it is great to work with individuals who  
7 are so passionate about the game. Some players play just for fun and others play the game as a  
8 job for money. There is really a mix of different teams in our semi-professional league here in  
9 Illinois. We have teams that consist of co-workers and there are also teams like the Bolt that are  
10 competitive and players are paid.

11 The Bolts team is especially fun to coach because we have won the statewide tournament and  
12 advanced to nationals for the past five years in a row. In 2013, we even won the national  
13 tournament and took home the \$50,000 prize. How the semi-professional league works is each  
14 state has its own league or division. Each year around March the state hosts a statewide  
15 competition for all of the teams. The winner of each state advances to the national competition.  
16 The grand prize is \$50,000 and they also give you a pretty cool championship ring if you win.  
17 Since it's a semi-professional league, the teams are also co-ed.

18 Because the Bolts have a reputation of being a good team, other teams are always out to get us.  
19 It's like we have a giant target on our backs. Teams always put forth all of their effort when they  
20 play us, but we don't lose often. I pride myself on making sure my team practices hard so that  
21 they are in great shape. Another thing I stress to my teams is good sportsmanship during games.  
22 If I see one of my players get too rough in a game or start picking fights, I bench his/her  
23 immediately. I don't tolerate that kind of behavior from my team. We are better than that and we  
24 don't need to be rough to be good year after year. On the other hand, the other teams in the  
25 league seem to play rougher against us. I think they believe that it will help give them a better  
26 shot at winning the tournament. Sometimes the plays are so dirty though, it seems to me more  
27 like they are just trying to hurt the better members of my team to give themselves a better shot at  
28 winning.

29 I do not know Pat Dunn, a player on the Lincoln City Chargers, personally, but her/his reputation  
30 precedes him/her. Dunn is well known for being a bully and being very aggressive on the ice.  
31 I've also heard that s/he likes to pick fights during games. I know Chris Davies very well  
32 because s/he currently plays for my team and have only seen sportsmanlike behavior from  
33 him/her. Chris knows I would have benched him/her for unsportsmanlike conduct. For Chris to  
34 have engaged with Dunn in that incident on February 17, 2015 the way that s/he did, Dunn must  
35 have really done something bad to Chris. It was a shame, too, because we had to drop Chris  
36 from the team roster because of this incident.

37 On February 17, 2015, my team was in Lincoln City, Illinois playing a game against the  
38 Chargers. We were playing some games in preparation for the upcoming statewide tournament

39 and we were also assessing the ability of our team members because we had to cut five people  
40 from our roster. I was using games like the one on February 17, 2015 to help me decide who  
41 would be on the final Bolts team roster for the statewide tournament.

42 During the second period, I was standing in the bench area when the altercation between Dunn  
43 and Chris occurred. I saw Chris skating down the left wing and blocking Dunn. That's when I  
44 saw Dunn trip Chris. The referee did not call a penalty for tripping because Chris was not  
45 carrying the puck at the time and I am sure the referee just wanted to keep the play going. Or  
46 maybe the referee didn't see it. I've heard other coaches say that s/he doesn't pay enough  
47 attention to what's happening on the ice during games. Right after that, I saw Chris reach out  
48 with the hand holding her/his stick, maybe to help get him/herself up off the ice, just as Dunn  
49 was skating past Chris. It looked like Dunn got a skate caught up in the stick as Dunn was  
50 skating by. All of a sudden, I saw Dunn fall face first onto the ice. It looked like Dunn fell pretty  
51 hard. Chris rushed over to Dunn, but Dunn appeared to be unconscious.

52 Like I said before, the Bolts play a clean game of hockey. We do not fight or trip other team's  
53 players. It was clear to me that Dunn was not showing good sportsmanship, but was playing  
54 rather a rough game of hockey with tripping, boarding, and other such behavior. As I said, our  
55 players do not fight or trip each other, so this would not be the way that Chris would act as a  
56 habit on the ice. I'm sure Chris was shocked by the altercation that day. This was all Dunn's  
57 fault, in my opinion.

Terry Craig

STATE OF ILLINOIS, COUNTY OF LINCOLN

Subscribed and sworn to, before me, the undersigned officer, by Terry Craig on this 1 day  
November of, 2015.

Elizabeth Black

Notary Public

My Commission Expires December 31, 2017.

**Defense Witness Statement: Dr. Cameron Leonard**

1 I, Cameron Leonard, hereby state, under oath, as follows:

2 I am board-certified in neurology, with a specialty in the brain. I earned a Bachelor of Science  
3 degree in Biology from Franklin Martin College in 1990 and a Medical Degree from the  
4 University of Texas in Austin in 1996. I served as a resident and fellow at Illinois General  
5 Hospital from 1996 to 2003. I am currently an attending neurologist at Western Valley Hospital  
6 and am a part-time medical professor at Western University School of Medicine. I teach Sports  
7 Medicine every spring semester. I am not being paid for my time in court.

8 I specialize in examining athletes after injuries to the head. Determining when an injured athlete  
9 can return to sports participation is a complex issue that requires the multidisciplinary input of  
10 the sports medicine physician, neurologist and/or neurosurgeon, athletic trainer, coaches and  
11 family. If an athlete is to return to athletics, s/he must be completely asymptomatic both at rest  
12 and with exertion, and there must be clear documentation on a CT scan that the head injury has  
13 resolved. The athlete must be brought along slowly and closely monitored to be sure that  
14 symptoms don't redevelop after the athlete return to athletics.

15 After Dunn came into the ER on February 17, 2015, I did not order a CT scan. I made this  
16 decision based on a conversation with Dunn and an examination of Dunn's laceration to the  
17 head. Dunn was able to respond clearly to questions and seemed alert. Dunn's head was  
18 stabilized and his/her laceration was cleaned. Dunn remained in the hospital for one week and  
19 was released on February 24, 2015.

20 Dunn returned to the hospital on March 3, 2015 and stated that his/her condition had become  
21 worse. Dunn reported migraines, dizziness and blurred vision. As a result, Western Valley  
22 Hospital technicians administered a CT Scan on March 3, 2015. When I examined Dunn's CT  
23 Scan, I noticed two things. First, I noticed blood on the inside of Dunn's skull, which indicated a  
24 subdural hematoma. A subdural hematoma is a serious brain injury that can occur with any head  
25 traumatic accident including a serious head injury in athletics. Although exceedingly rare, other  
26 than a concussion, it is one of the most common major head injuries that can occur in athletics.  
27 Second, I noticed an old hair line fracture on Dunn's skull.

28 Based on my review of the CT Scan, it is my expert medical opinion that the injuries Pat Dunn  
29 sustained on February 17, 2015 were pre-existing. There is medical evidence that the hair-line  
30 fracture was old or pre-existing, which means that at some time in the past, Dunn sustained a  
31 hair-line fracture of the left frontal skull and a subdural hematoma and never fully recovered  
32 from those injuries. I formed my conclusion based on all medical records from this case,  
33 including the CT Scan taken at Western Valley Hospital. The CT Scan revealed that the fracture  
34 had calcified and the presence of a chronic subdural hematoma, or old blood, which would only  
35 come from an old injury. The dark area on the right side of the head shown on the CT scan is the  
36 presence of old blood. If the hematoma were from a recent injury, then the CT scan would have  
37 shown what is called, "acute blood" or new blood, and the area would appear as a bright color, or  
38 white.

39 A subdural hematoma is caused by a traumatic blow to the head against an athlete during

40 competition or practice. Therefore, athletes involved in collision sports are at most risk of a  
41 subdural hematoma. Athletes participating in sports like boxing, mixed martial arts, football and  
42 hockey are at highest risk of sustaining a subdural hematoma. Other examples include a bicycle  
43 accident in cycling, a ball or bat to the head in softball or baseball, a kick to the head in soccer or  
44 a car wreck in racing sports.

45 Before my examination of Dunn on February 17, 2015, I asked Dunn if s/he had ever sustained a  
46 head injury prior to the injury at the February 17 hockey game. Dunn stated that when s/he was  
47 fifteen years old, s/he was injured when s/he fell while playing hockey. This accident occurred  
48 on October 20, 2003. I requested and reviewed the records from Dunn's fall on October 20,  
49 2003. The medical records from October 20, 2003 showed that Dunn lost consciousness and was  
50 brought to the hospital by ambulance. In the incident that occurred in 2003, Dunn was examined  
51 and diagnosed with a large contusion on the back left part of the head. Dunn regained  
52 consciousness after ten minutes, received twenty sutures and was released four days later.

53 Through my analysis of Dunn's medical records, I was able to form a conclusion regarding the  
54 cause of Dunn's head injuries. In my opinion, Dunn's laceration on the skull was due to a fall on  
55 the ice, but the laceration was the only injury that occurred to Dunn on February 17, 2015.  
56 According to the medical evidence, the hair-line fracture of the left front area of the skull, as well  
57 as a subdural hematoma, was caused by the fall while playing hockey many years ago, not by the  
58 February 17, 2015 injury. In other words, Dunn has sustained no permanent injury from the  
59 February 17, 2015 accident.

*Cameron Leonard, MD*

STATE OF ILLINOIS, COUNTY OF LINCOLN

Subscribed and sworn to, before me, the undersigned officer, by Cameron Leonard on this 1 day  
November of, 2015.

*Elizabeth Black*

Notary Public

My Commission Expires December 31, 2017.

## THE WORSLEY MEDICAL GROUP

7390 LINCOLN STREET, DALE GROVE, ILLINOIS 60001

March 5, 2015

Jamie R. Freeman  
Freeman & Karneier, P.C.  
Attorneys at Law  
100 N. Illinois Ave.  
Lincoln City, IL 60002

Re: Examination of Pat Dunn  
Date of Birth: March 4, 1988  
Social Security: xxx-xx-2222  
Date of Injury: February 17, 2015

Dear Jamie,

I enjoyed our recent game of golf. As always, it was good talking with you, and the weather was superb! I am writing this letter as a formal response to your request for an examination of your client, Pat Dunn. As discussed, I am willing to evaluate Pat Dunn at any time that is convenient.

If I can be of any further assistance in this, or any other matter, please don't hesitate to call. As a reminder, my hourly rate for my testimony is \$1,000.00.

I look forward to working with your office again.

Best,

*Taylor*

Taylor Worsley, MD  
The Worsley Medical Group

# *CURRICULUM VITAE*

## **TAYLOR WORSLEY, MD**

Phone: 667-098-7644

E-mail: [tworsley@worsleygroup.com](mailto:tworsley@worsleygroup.com)

Website: [www.worsleymedicalgroup.com](http://www.worsleymedicalgroup.com)

### **Professional Practice**

The Worsley Medical Group  
(1985 - Present)

### **Education**

Southern Illinois School of Medicine  
(1977 - 1981)

University of Illinois at Urbana Champaign  
(1974 - 1977)

▶ Bachelors of Science in Biology

### **Residency**

Mary L. Kilbride Hospital  
(1981 - 1984)

### **Board Certification**

American Board of Psychiatry & Neurology  
*Lifetime*

**Cameron Leonard, MD**  
*Attending Neurologist*

Address: 2900 State St., Chicago, IL  
Tel. : (554) 425-1230  
Cell. : (307) 778-8970

---

## Education

**1996** | Medical Degree. University of Texas. Austin, TX.

**1990** | Bachelor of Science in Biology. Franklin Martin College. Lincoln, IL.

## Employment

**2003 to Present** | Attending Neurologist at Western Valley Hospital

**2007 to Present** | Professor of Neurology at Northwestern Medical School

**1999 to 2003** | Fellow of Neurology at Illinois General Hospital

**1996 to 1999** | Resident at Illinois General Hospital

# WESTERN VALLEY HOSPITAL

## CT SCAN REPORT

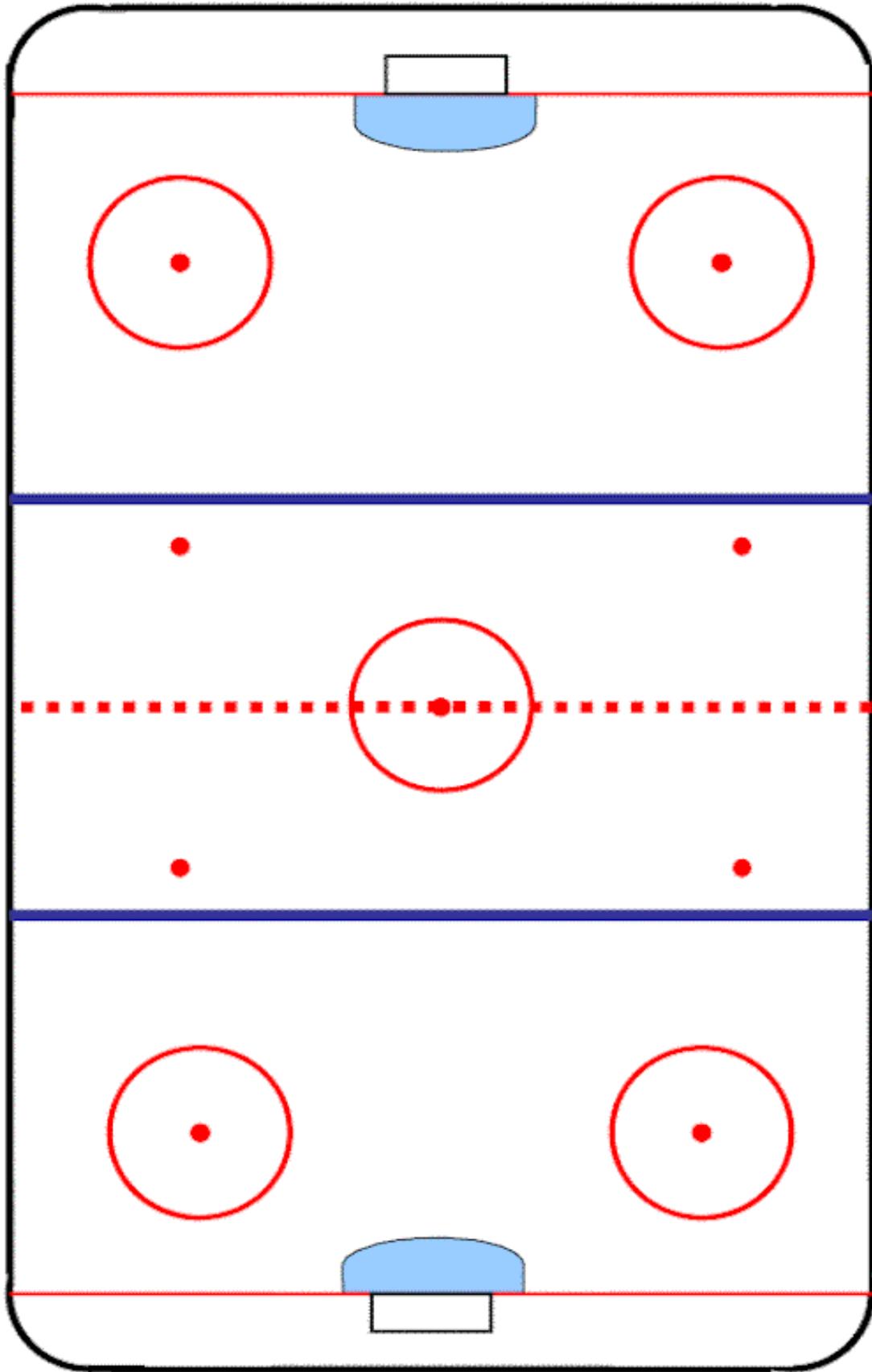
Patient Name:	PAT DUNN	DOB:	3/4/1988
Patient ID #:	8990-73		
<b>GENERAL INFORMATION</b>			
Date:	3/3/2015	Time:	10:26 AM
Location:	Lab 204		
<b>BRIEF CLINICAL NOTES</b>			
<i>Follow-up case of laceration to the head on 2/17/2015.</i>			
<i>Examination of patient after patient reported dizziness and painful headaches.</i>			
<b>IMPRESSION</b>			
<i>Features suggestive of chronic subdural hematoma in left frontal region. Red arrow points to hematoma.</i>			
Technician:	<i>Susan Harris</i>	Date	<i>3/3/2015</i>
Attending Physician:	<i>Dr. Cameron Leonard</i>	Date	<i>3/3/2015</i>

CT SCAN IMAGE



Technician: Susan Harris Date 3/3/2015  
Attending Physician: Dr. Cameron Leonard Date 3/3/2015

Diagram of Everett Arena, Lincoln City Illinois



## **JURY INSTRUCTIONS**

### ***Court Instruction No. 1 - Negligence - Burden of Proof***

Under Count 1 of the Complaint, plaintiff has the burden of proving each of the following propositions by a preponderance of the evidence:

First, that the defendant acted or failed to act in one of the ways claimed by the plaintiff and that in so acting, or failing to act, the defendant was negligent;

Second, that the plaintiff was injured;

Third, that the negligence of the defendant was a proximate cause of the injury to the plaintiff.

If you find from your consideration of all the evidence that plaintiff has failed to prove any of these propositions, then your verdict shall be for the defendant. In that case, you will not consider the issue of damages.

On the other hand, if you find from your consideration of all the evidence that plaintiff has proved each of these propositions, then you must consider the defendant's claim that the plaintiff was contributorily negligent.

As to the claim that plaintiff was contributorily negligent, the defendant has the burden of proving both of the following propositions by a preponderance of the evidence:

A: That the plaintiff acted or failed to act in one of the ways claimed by the defendant and that in so acting, or failing to act, the plaintiff was negligent;

B: That the plaintiff's negligence was a proximate cause of his/her injury.

If you find from your consideration of all the evidence that the plaintiff has proved all the propositions required of the plaintiff and that the defendant has not proved both of the propositions required of the defendant, then your verdict shall be for the plaintiff. In that case, you will then consider what if any damages to award to plaintiff, and you shall not reduce plaintiff's damages.

If you find from your consideration of all the evidence that the defendant has proved both of the propositions required of the defendant, and if you find that the plaintiff's contributory negligence was more than 50% of the total proximate cause of the injury or damage for which recovery is sought, then your verdict shall be for the defendant. In that case, you will not consider the issue of damages.

If you find from your consideration of all the evidence that the plaintiff has proved all the propositions required of the plaintiff and that the defendant has proved both of the propositions required of the defendant, and if you find that the plaintiff's contributory negligence was 50% or less of the total proximate cause of the injury or damage for which recovery is sought, then your

verdict shall be for the plaintiff. In that case, you will then consider what if any damages to award plaintiff, and you shall reduce plaintiff's damages in the manner stated to you in these instructions.

***Court Instruction No. 2 - Negligence - Definition***

When I use the word “negligence” in these instructions, I mean the failure to do something which a reasonably careful person would do, or the doing of something which a reasonably careful person would not, under circumstances similar to those shown by the evidence. The law does not say how a reasonably careful person would act under those circumstances. That is for you to decide.

***Court Instruction No. 3 - Ordinary Care - Definition***

When I use the words “ordinary care,” I mean the care a reasonably careful person would use under circumstances similar to those shown by the evidence. The law does not say how a reasonably careful person would act under those circumstances. That is for you to decide.

***Court Instruction No. 4 - Duty To Use Ordinary Care - Definition of Contributory Negligence***

It was the duty of the plaintiff, before and at the time of the occurrence, to use ordinary care for his/her own safety. A plaintiff is contributorily negligent if (1) he/she fails to use ordinary care for his/her own safety and (2) his/her failure to use such ordinary care is a proximate cause of the alleged injury. The plaintiff's contributory negligence, if any, which is 50% or less of the total proximate cause of the injury or damage for which recovery is sought, does not bar his/her recovery. However, the total amount of damages to which he/she would otherwise be entitled is reduced in proportion to the amount of his/her negligence. This is known as contributory negligence. If the plaintiff's contributory negligence is more than 50% of the total proximate cause of the injury or damage for which recovery is sought, the defendant shall be found not liable.

***Court Instruction No. 5 - Duty To Use Ordinary Care***

It was the duty of the defendant, before and at the time of the occurrence, to use ordinary care for the safety of the plaintiff. That means it was the duty of the defendant to be free from negligence.

***Court Instruction No. 6 - Concurrent Negligence Other Than Defendant's***

More than one person may be to blame for causing an injury. If you decide that the defendant was negligent and that his/her negligence was a proximate cause of injury to the plaintiff, it is not a defense that some third person who is not a party to the suit may also have been to blame.

***Court Instruction No. 7 - Proximate Cause - Definition***

When I use the expression “proximate cause,” I mean a cause that, in the natural or ordinary course of events, produced the plaintiff's injury. It need not be the only cause, nor the last or nearest cause. It is sufficient if it combines with another cause resulting in the injury.

***Court Instruction No. 8 - Battery - Definition***

A person commits a battery if: (a) he/she acts intending to cause a harmful or offensive contact with the person of the other person, or an imminent apprehension of such a contact; (b) the contact is unauthorized; and (c) a harmful contact with the person of the other directly or

indirectly results.

***Court Instruction No. 9 - Battery - Burden of Proof***

Under Count 2 of the Complaint, the plaintiff has the burden of proving each of the following propositions by the preponderance of the evidence:

First, that the defendant intended to touch the plaintiff's body;

Second, that the defendant actually touched the plaintiff's;

Third, that said touching was harmful or offensive; and

Fourth, that said contact directly or indirectly caused an injury to plaintiff.

If you find from your consideration of all of the evidence that plaintiff has proven each of these propositions, then your verdict shall be for the plaintiff. In that case you will then consider what if any damages to award to plaintiff.

If you find from your consideration of all of the evidence that plaintiff has failed to prove any of these propositions then your verdict shall be for the defendant. In that case, you will not consider the issue of damages.

***Court Instruction No. 10 - Burden of Proof on the Issues - Affirmative Defenses***

In this case defendant has asserted certain affirmative defenses as follows:

As to Count 1 of Plaintiff's Complaint:

First Affirmative Defense – Plaintiff assumed the risk of injury.

Second Affirmative Defense – Plaintiff was contributorily negligent and Plaintiff was 50% or less at fault for proximately causing Plaintiff's injuries, and therefore any damage award to Plaintiff should be reduced proportionately to the extent of Plaintiff's contributory negligence.

Third Affirmative Defense – Plaintiff was contributorily negligent and Plaintiff was more than 50% at fault for proximately causing Plaintiff's injuries, and therefore Plaintiff is barred from recovering any damages from Defendant.

As to Count 2 of Plaintiff's Complaint:

First Affirmative Defense – Defendant's conduct in swinging his/her hockey stick was an act of self-defense against Plaintiff.

Second Affirmative Defense – By knowingly and voluntarily participating in the hockey game, Plaintiff consented to contact by Defendant.

The defendant has the burden of proving these affirmative defenses by a preponderance of the evidence.

If you find from your consideration of all the evidence, that defendant's First Affirmative Defense as to Count 1 has been proved, then your verdict shall be for the defendant as to Count 1.

If, on the other hand, you find from your consideration of all the evidence that defendant's First Affirmative Defense as to Count 1 has not been proved, then you must consider the defendant's Second and Third Affirmative Defenses as to Count 1, namely that plaintiff was contributorily negligent.

As to defendant's contributory negligence claim, defendant has the burden of proving each of the following propositions:

A: That the plaintiff acted or failed to act in one of the ways claimed by the defendant and that in so acting, or failing to act, the plaintiff was negligent;

B: That the plaintiff's negligence was a proximate cause of his/her injury.

If you find from your consideration of all the evidence that the plaintiff has proved all of the propositions required of him/her and that the defendant has not proved both of the propositions required of him as to defendant's contributory negligence claim, then your verdict shall be for the plaintiff. In that case, you will then consider what if any damages to award to plaintiff and you shall not reduce the plaintiff's damages.

If you find from your consideration of all the evidence that the plaintiff has proved all of the propositions required of him/her and that the defendant has proved both of the propositions required of him/her, and if you find that the plaintiff's contributory negligence was greater than 50% of the total proximate cause of the injury or damage for which recovery is sought, then your verdict shall be for the defendant. In that case, you will not consider the issue of damages.

If you find from your consideration of all the evidence that the plaintiff has proved all the propositions required of him/her and that the defendant has proved both of the propositions required of him/her, and if you find that the plaintiff's contributory negligence was 50% or less of the total proximate cause of the injury or damage for which recovery is sought, then your verdict shall be for the plaintiff. In that case, you will then consider what if any damages to award to plaintiff and you shall reduce the plaintiff's damages in the manner stated to you in these instructions.

***Court Instruction No. 11 - Measure of Damages***

If you decide for the plaintiff on the question of liability on either count 1 or count 2 of plaintiff's complaint, you must then fix the amount of money which will reasonably and fairly compensate him/her for any of the following elements of damages proved by the evidence to have resulted from the negligence or wrongful conduct of the defendant, taking into consideration the nature, extent and duration of the injury and the

aggravation of any pre-existing ailment or condition:

- The pain and suffering experienced as a result of the injuries.
- The emotional distress experienced.
- The disfigurement resulting from the injury.
- The reasonable expense of necessary medical care, treatment, and services received.
- The value of any earnings or salaries lost.

Whether any of these elements of damages has been proved by the evidence is for you to determine.

***Court Instruction No. 12 - Insurance/Benefits***

Whether a party is insured or not insured has no bearing on any issue that you must decide. You must refrain from any inference, speculation, or discussion about insurance.

If you find for the plaintiff, you shall not speculate about or consider any possible sources of benefits the plaintiff may have received or might receive. After you have returned your verdict, the court will make whatever adjustments are necessary in this regard.

***Court Instruction No. 13 - Opinion Testimony***

You have heard a witness give opinions about matters requiring special knowledge or skill. You should judge this testimony in the same way you judge the testimony from any other witness. The fact that such person has given an opinion does not mean that you are required to accept it. Give the testimony whatever weight you think it deserves, considering the reasons given for the opinion, the witness's qualifications, and all of the other evidence in the case.

***Court Instruction No. 14 - Use Of Verdict Forms***

When you retire to the jury room you will first select a foreperson. He or she will preside during your deliberations.

Your verdict must be unanimous.

Forms of verdicts are supplied with these instructions. After you have reached your verdict, fill in and sign the appropriate form of verdict and return it to the court. Your verdict must be signed by each of you. You should not write or mark upon this or any of the other instructions given to you by the court.

Verdict Forms A, B, and C pertain to Count 1 of Plaintiff's Complaint.

Verdict Forms D and E pertain to Count 2 of Plaintiff's Complaint.

Use only one verdict form for Count 1 and use only one verdict form for Count 2.

On Count 1 of Plaintiff's Complaint, if you find for Plaintiff Pat Dunn and against Defendant Chris Davies and if you further find that Plaintiff Pat Dunn was not contributorily negligent, then you should use Verdict Form A.

On Count 1 of Plaintiff's Complaint, if you find for Plaintiff Pat Dunn and against Defendant Chris Davies and if you further find that Plaintiff Pat Dunn's injury was proximately caused by a combination of Defendant Chris Davies's negligence and Plaintiff Pat Dunn's contributory negligence and that Plaintiff Pat Dunn's contributory negligence was 50% or less of the total proximate cause of the injury or damage for which recovery is sought, then you should use Verdict Form B.

On Count 1 of Plaintiff's Complaint, if you find for Defendant Chris Davies and against Plaintiff Pat Dunn, or if you find that Plaintiff's contributory negligence was more than 50% of the total proximate cause of the injury or damage for which recovery is sought, then you should use Verdict Form C.

On Count 2 of Plaintiff's Complaint, if you find for Plaintiff Pat Dunn and against Defendant Chris Davies, then you should use Verdict Form D.

On Count 2 of Plaintiff's Complaint, if you find for Defendant Chris Davies and against Plaintiff Pat Dunn, then you should use Verdict form E.

**VERDICT FORM A**

On Count 1 of Plaintiff's Complaint, we the jury find in favor of Plaintiff and against Defendant, and having further found that Plaintiff was not contributorily negligent, we find that the total amount of damages suffered by Plaintiff as a proximate result of the occurrence in question is \$\_\_\_\_\_, itemized as follows: follows:

- \$\_\_\_\_\_ for pain and suffering experienced.
- \$\_\_\_\_\_ for emotional distress experienced.
- \$\_\_\_\_\_ for disfigurement resulting from the injury.
- \$\_\_\_\_\_ for the reasonable expense of necessary medical care, treatment, and services received.
- \$\_\_\_\_\_ for the value of any earnings or salaries lost.

\_\_\_\_\_  
Foreperson  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VERDICT FORM B**

On Count 1 of Plaintiff's Complaint, we, the jury, find for Plaintiff and against Defendant and further find the following:

First: Without taking into consideration the question of reduction of damages due to the negligence of Plaintiff, we find that the total amount of damages suffered by Plaintiff as a proximate result of the occurrence in question is \$\_\_\_\_\_, itemized as follows:

- \$\_\_\_\_\_ for pain and suffering experienced.
- \$\_\_\_\_\_ for emotional distress experienced.
- \$\_\_\_\_\_ for disfigurement resulting from the injury.
- \$\_\_\_\_\_ for the reasonable expense of necessary medical care, treatment, and services received.
- \$\_\_\_\_\_ for the value of any earnings or salaries lost.

Second: Assuming that 100% represents the total combined negligence of all persons whose negligence proximately contributed to the Plaintiff's injuries and damages, including Plaintiff and Defendant, we find that the percentage of such negligence attributable solely to Plaintiff is \_\_\_\_ percent (%).

Third: Having found that Plaintiff is not more than 50% negligent, then after reducing the total damages sustained by Plaintiff by the percentage of negligence attributable solely to Plaintiff, we assess Plaintiff's recoverable damages in the sum of \$\_\_\_\_\_.

\_\_\_\_\_  
Foreperson  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VERDICT FORM C**

On Count 1 of Plaintiff's Complaint, we the jury find in favor of Defendant and against Plaintiff.

---

Foreperson

---

---

---

---

---

---

**VERDICT FORM D**

On Count 2 of Plaintiff's Complaint, we the jury find in favor of Plaintiff and against Defendant we award Plaintiff damages in the sum of \$\_\_\_\_\_.

\_\_\_\_\_  
Foreperson

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VERDICT FORM E**

On Count 2 of Plaintiff's Complaint we the jury find in favor of Defendant and against Plaintiff.

---

Foreperson

---

---

---

---

---

---