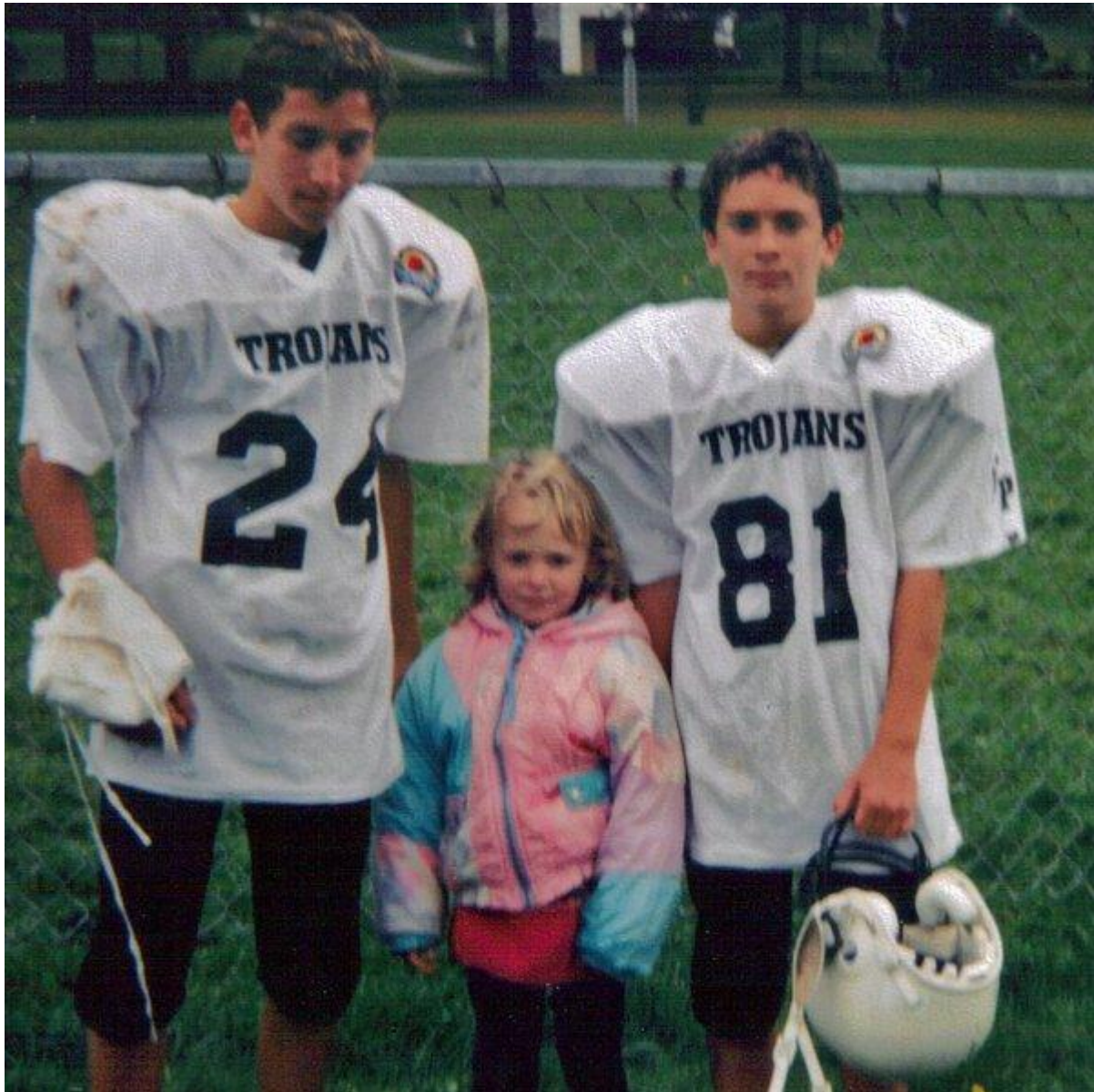


The New York Times

Family of Player With C.T.E. Who Killed Himself Sues Pop Warner

By [KEN BELSON](#) FEB. 5, 2015



A 14-year-old Joseph Chernach, left, with his sister Nicole and his brother Seth in a photo made available by the family.

The family of a football player who committed suicide and was later found to have chronic traumatic encephalopathy, a degenerative brain disease, has sued Pop Warner for failing to warn players about, and protect them from, the dangers of head trauma.

The suit, filed in federal court in Wisconsin, seeks at least \$5 million in punitive damages for the wrongful death of Joseph Chernach, who killed himself in 2012 at age 25.

In the 27-page complaint, the estate of Joseph Chernach said Pop Warner “knew or should have known that tackle football was dangerous for children and exposed children to [head injuries](#), including dementia pugilistica,” a variant of C.T.E.

Pop Warner, the complaint said, failed to train coaches properly, did not use the safest helmets, did not teach players how to wear their helmets properly and did not limit the amount of hitting in practice. The organization also failed to follow concussion protocols published by medical professionals as early as 1997.

The lawsuit claims that Pop Warner’s conduct “was deliberate, an actual disregard of the plaintiff’s right to safety, health, or life, and sufficiently aggravated to warrant punishment by punitive damages.”

[Document](#)

[Suit Against Pop Warner](#)

[The family of a football player who committed suicide in 2012 at age 25 has filed a wrongful death lawsuit in federal court in Wisconsin against Pop Warner.](#)

IN THE UNITED STATES DISTRICT COURT FOR
WESTERN DISTRICT OF WISCONSIN

DEBRA PYKA, as the Special Administrator of the Estate

of **Joseph Chernach**, Deceased.

DEBRA PYKA, as the Mother

of **Joseph Chernach**, Deceased.

Plaintiff,

v.

Case No. 15-CV-57

POP WARNER LITTLE SCHOLARS, INC.

THE POP WARNER FOUNDATION

LEXINGTON INSURANCE COMPANY

Defendants

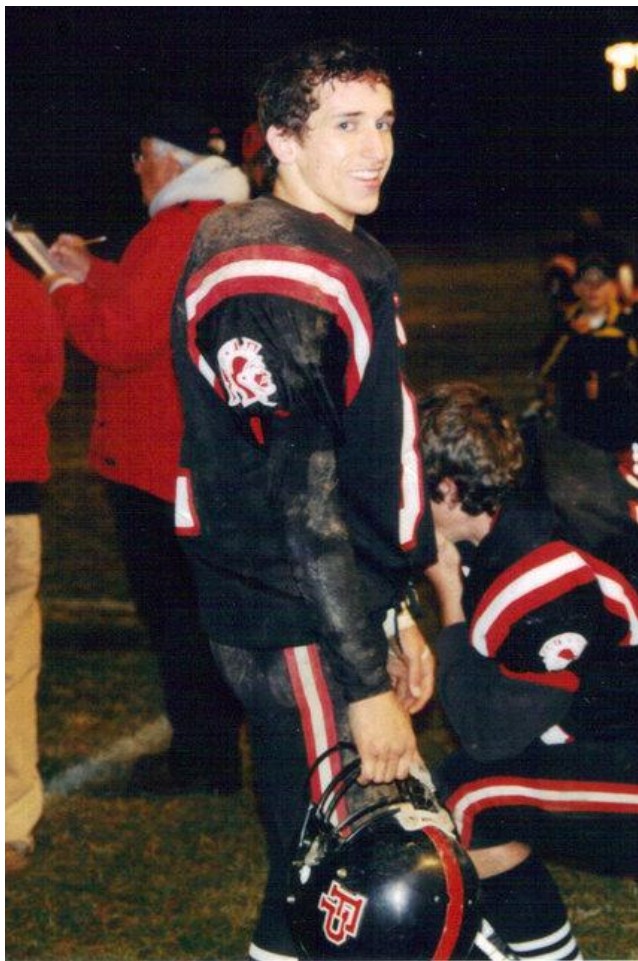
[OPEN Document](#)

The case has the potential to upend the economics of youth football leagues, if a court rules against Pop Warner in Chernach's death, because insurers could increase their premiums to offset legal risks. While Pop Warner is the largest and most well-established youth football organization in the country, smaller leagues could have a harder time paying for more expensive coverage.

“The most significant thing we’re doing is telling the courts that strict liability should apply,” said Gordon Johnson, a lawyer at the Brain Injury Law Group, which is representing Chernach’s estate. “It would establish remarkable precedent that would change youth football because I don’t think anyone would insure you if strict liability applied.”

Youth organizations and schools are grappling with legislative and legal hurdles as well. The New York City Council, for instance, is considering a bill that would require that a doctor be present at every football game, a potentially expensive mandate. And on Tuesday, the parent of a teenage water polo player sued USA Water Polo in federal court in California for failing to properly protect players from the dangers of concussions.

The Chernachs' case against Pop Warner has its challenges, though. Like the suit against the N.F.L. brought by more than 5,000 former players, the plaintiffs will probably have to document that the head trauma Chernach suffered in Pop Warner led to his demise, but his mother and father said they did not recall him ever receiving a concussion diagnosis.



Joseph Chernach, in a photo made available by his family, played football in high school, wrestled for 12 years and was a pole-vaulter on the track team.

Chernach, however, was diagnosed posthumously with C.T.E., which doctors have said is evidence of repeated head trauma.

In addition to his four years in Pop Warner, Chernach played football in high school, wrestled for 12 years and was a pole-vaulter on the track team, activities that could have also contributed to his C.T.E.

Chernach played Pop Warner football in Wisconsin and Michigan starting at age 11, and was a running back and linebacker who in some cases played in every play of the game. His father, Jeffrey, was a volunteer football coach and also coached his son's wrestling team. He is not part of the lawsuit.

At Central Michigan University, Chernach stopped going to class and later dropped out. He returned to live with his father and became depressed and reclusive. He told one of his two brothers that he needed alcohol to face people, his father said, adding that Joseph only left his room at night.



Joseph Chernach and his mother, Debra Pyka, in a photo made available by Joseph's family. Chernach killed himself 8 months later in 2012 at age 25.

“He was burrowed in his bedroom and turned into a vampire,” Jeffrey Chernach said. “It was obvious to all of us that he wasn’t happy and there was something very wrong, but no matter what tactic we took we couldn’t get him to get any help.”

After Joseph Chernach committed suicide in June 2012, tissue samples from his brain were sent to Boston University. The next year, Dr. Ann McKee, chief of neuropathology at the V.A. Boston Healthcare System and professor of neurology and pathology at the Boston University School of Medicine, released the results of an autopsy that found “considerable pathological tau deposits” and “very severe changes in the brainstem.” Some of the changes “were the most severe I’ve seen in a person this age,” McKee wrote in her pathology report.

“Really, it’s the worst example of this in someone this young,” McKee said in a phone interview, adding that some of the worst pathology was found in the parts of the brain normally associated with depression.

Chernach’s family said they did not recall Joseph receiving any diagnoses of concussions, but McKee said C.T.E. was evidence of repetitive brain trauma, not necessarily concussions.

C.T.E. can only be diagnosed posthumously, and most of the documented cases have been in people who were in their 40s or older and had played football for more years than Chernach.

Debra Pyka, Joseph’s mother and a licensed practical nurse, said her son never complained about head injuries and was popular and active in his college years and after. But he was very depressed and angry in his last few months, something she would never wish on another parent.

“I don’t want to see this happen again, but I think it will,” she said.