

HOCKEY

N.H.L. Promoted Violence Regardless of Health Risk, Players' Suit Says

By **JEFF Z. KLEIN** and **KEN BELSON** APRIL 10, 2014

Photo



Michael Peluso led the league with 408 penalty minutes in 1991-92 and fought 179 times in his nine-year N.H.L. career. Credit Kevin Larkin/Associated Press

Nine former professional hockey players have filed a lawsuit against the N.H.L. that says the league “intentionally created, fostered and promoted a culture of extreme violence.”

The suit, which was filed Wednesday in federal court in Manhattan, is the latest in [a growing string of challenges](#) to the N.H.L. Similar to [suits brought by retired N.F.L. players](#), the complaint said that the N.H.L. failed to take adequate steps to warn the players of the dangers of the sport and deliberately promoted violence for profit.

The complaint is more graphic than other suits brought by former hockey players, highlighting the role of enforcers in the N.H.L. over many years and mentioning movies that celebrated fighting in hockey.

“Through the sophisticated use of extreme violence as a commodity, from which the N.H.L. has generated billions of dollars, the N.H.L. has subjected and continues to subject its players to the imminent risk of head trauma and, as a result, devastating and long-term negative health consequences,” the lawsuit said.

DOCUMENT

Class Action Complaint Against the N.H.L.

The complaint by nine retired players said the N.H.L. failed to take adequate steps to warn the players of the dangers of the sport and deliberately promoted violence for profit.

2. While fans have continually flocked to marvel at the world's best athletes competing in the sport of ice hockey, the NHL has looked at ice hockey players as a means to an end. For the NHL, it has been about exploiting the supreme athleticism of its players in order to generate revenue. And early on, the NHL saw extreme violence as a way to bring more fans to the game.

3. As opposed to other elite-level ice hockey organizations, like the European ice hockey leagues and the Olympics, the NHL fostered and promoted an extremely physical game of ice hockey. Through enclosed rink designs and lax rules for fighting, the NHL vectored a culture of extreme violence and packaged the spoils to adoring fans. Throughout the NHL's history, iconic violence has thrived, exemplified by players like the "Broad Street Bullies," and other notable "enforcers" and "goons" throughout the NHL's many different eras.



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The plaintiffs in the suit are the former players Dan LaCouture, 36; Dan Keczmer, 45; Jack Carlson, 59; Richard Brennan, 41; Brad Maxwell, 56; Michael Peluso, 48; Tom Younghans, 61; Allan Rourke, 34; and Scott Bailey, 41.

Some of the players were brawlers, like Carlson, who racked up 1,111 penalty minutes in the N.H.L. and the World Hockey Association.

Peluso, who played in the N.H.L. from 1990 to 1998, led the league with 408 penalty minutes in 1991-92 and fought, according to the suit, 179 times in his nine-year career. In a 2011 interview with juniorhockey.com, Peluso said he was suffering concussion-related seizures and depression in retirement and complained about poor pension benefits and health insurance from the N.H.L. and the N.H.L. Players' Association.

“There is no question in my mind that brain injuries and depression are linked,” Peluso told the website. “However, I find it has more to do with low self-esteem. Former skilled guys suffered head injuries, and they don’t appear to be suicidal.”

LaCouture, who retired in 2009, was involved in 52 fights. The lawsuit said he sustained a concussion at the hands of Robyn Regehr in 2004 and suffered from headaches, irritability, depression and other ailments.

Other players in the lawsuit were journeymen who rarely fought, like Rourke, who, according to hockeyfights.com, had 17 fights in his 14-year major junior and professional career. Keczmer never accumulated more than 75 minutes in penalties in a season during his 10-year professional career and, according to the suit, had one N.H.L. fight.

The case will be heard by Judge Shira A. Scheindlin of Federal District Court in Manhattan.

This is the latest lawsuit involving violence in the N.H.L. In May, the family of Derek Boogaard [filed a wrongful-death lawsuit](#) against the N.H.L., saying the league was responsible for the physical trauma and brain damage Boogaard sustained in six seasons as one of the league’s top enforcers. Boogaard died of an accidental overdose of prescription painkillers and alcohol in 2011.

In November, a group of players who were in the league in the 1970s, ’80s and ’90s filed a lawsuit in federal court in Washington, saying N.H.L. officials should have done more to address head injuries but instead celebrated a culture of speed and violence.



Dan LaCouture (39) played parts of two seasons with the Rangers. Credit Barton Silverman/The New York Times

The civil suit of the former Colorado Avalanche player Steve Moore against Todd Bertuzzi and the Vancouver Canucks is scheduled to be heard in an Ontario court in September. Bertuzzi attacked Moore during a game in March 2004, breaking three of Moore's neck vertebrae and ending his career.

Bill Daly, deputy commissioner of the N.H.L., said that this week's suit did not appear to be substantively different from the one filed in November.

"In short, we are completely satisfied with our record on player safety, including as it relates to head injuries and brain trauma," he said in a statement. "We do not believe the new complaint provides any valid basis for liability or damages as against the National Hockey League, and we intend to defend the case and others that may follow it vigorously."

The N.H.L. set up a concussion study program in 1997, the first in North American major league sports, and has in recent years modified rules to address [head trauma](#). But the lawsuit calls those moves "untimely and ineffective."

Lawyers representing the players did not return calls for comment, though their complaint includes mentions of the Broad Street Bullies of the 1970s Philadelphia Flyers and movies like “The Last Gladiators” and “Mystery, Alaska.” (The complaint also mistakenly said that Gordie Howe, who is still alive, died in 2009.)

While the complaint seeks a jury trial, experts said the players would prefer to settle out of court, no doubt aware of the \$765 million proposed settlement between the N.F.L. and retired football players.

The suits brought by thousands of retired N.F.L. players were filed in states over many months. They were eventually consolidated and heard in federal court in Philadelphia. That is a possible course of action for the N.H.L. cases, which so far involve only a few dozen players.

The two most recent complaints allege that the league was negligent in not doing more to warn players about concussions and committed fraud by hiding information it had about the dangers.

Proving those allegations, though, could be as difficult as it has been for the retired N.F.L. players. The N.H.L. players will have to provide evidence that the league hid information about the dangers of fighting. The players will also have to show that injuries they received in the N.H.L. led to their current ailments.

The plaintiffs “would like to have a settlement within the contours of what you’ve found in the attempted settlement with the N.F.L.,” said Mark Conrad, the director of the sports business program at Fordham University. “But I wouldn’t underestimate the league’s ability to fight this.”