

# Pop Warner settles wrongful death lawsuit, could open 'floodgates'

Erik Brady, USA TODAY Sports Published 5:44 p.m. ET March 9, 2016 | Updated 8:56 p.m. ET March 9, 2016



The youth league has come to an undisclosed settlement in a case that could have a long-standing impact on youth sports. USA TODAY Sports



(Photo: Gene J. Puskar, AP)

A settlement in the case of a former Pop Warner football player who committed suicide at 25 and had CTE is apparently a first of its kind and raises questions about the future of youth football.

The wrongful death suit was filed in federal court in Wisconsin in 2015 seeking \$5 million in damages. It was settled last month for an undisclosed sum.

"This could potentially open the floodgates" for more suits involving head injuries and youth sports, attorney Marc Lamber told USA TODAY Sports Wednesday. "You can see the direction this is headed."

Lamber, who is not involved in the case, focuses his practice on catastrophic injury and wrongful death litigation as director of Fennemore Craig in Phoenix. He says increases in insurance premiums could potentially upset the economic model of youth sports.

Joseph Chernach hanged himself in 2012. His family sent tissue samples from his brain to Boston University where severe signs of CTE were found. The degenerative brain disease is often the result of repetitive brain trauma. The suit alleged that Pop Warner failed to train coaches properly or limit hitting in practice and that such conduct disregarded Chernach's right to safety and health.

### Soccer icon Brandi Chastain agrees to donate brain for concussion research

Chernach played Pop Warner football for four years, beginning at age 11, in Wisconsin and Michigan, playing running back and linebacker. He also played high school football and was a wrestler and pole vaulter. Debra Pyka, his mother, told ABC News last year that her son's demeanor changed in college: "I just couldn't understand why a happy kid turned into someone so depressed."

Pop Warner spokesman Brian Heffron said a confidentiality agreement as part of the settlement prevents him from speaking about the case beyond a prepared statement that he sent by email. He stressed Pop Warner has instituted a series of safety and educational initiatives in recent years.

"At Pop Warner there is nothing more important than the safety of our players and since 2010 we have led the way in making the game of youth football a safer and better experience than ever before," the statement says. "We have established protocols and rule changes aimed at improving coaching education, limiting contact and requiring any player who suffers a potential head injury to be examined by a medical professional trained in concussions before returning to play."


### WWE legend Kevin Nash says he will donate brain to CTE research

The suit alleged that Pop Warner football is "abnormally dangerous ... as it exposes children to a combative/collision sport which is likely to result in harm." Plaintiffs' attorney Gordon Johnson Jr. of the Brain Injury Law Group in Wisconsin did not immediately return a call for comment on the case.


Lamber says this is the first case involving head injury settled by Pop Warner. He calls that significant because it weakens the argument that CTE is more likely to happen in the NFL where players are bigger and stronger. He says some studies suggest head injuries can be more dangerous for younger brains than for mature ones.

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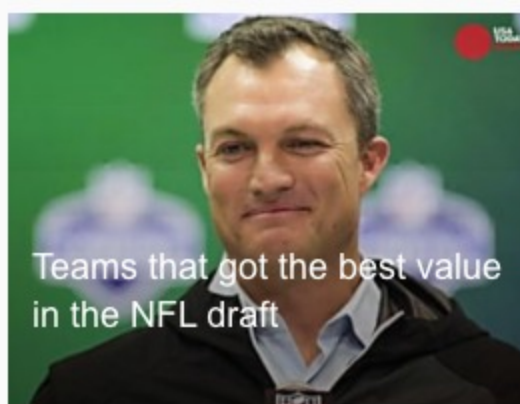
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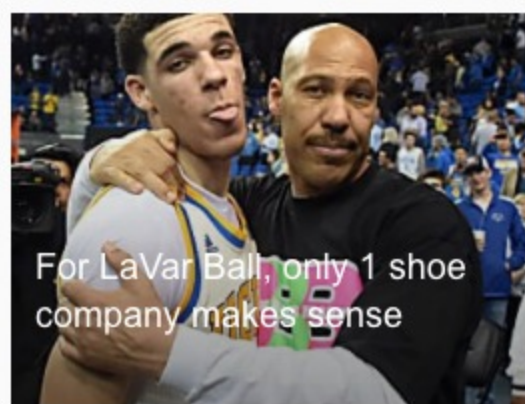
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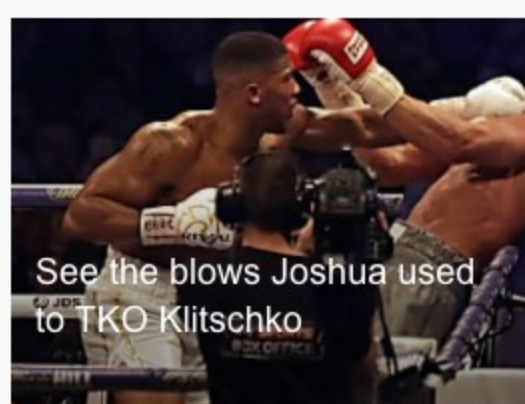
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