

# Student Athlete Settles Case, Alleging Negligent Conduct By Aths After Concussion

During a high school football game in Illinois, a linebacker sustained a serious head injury.

The player alleged that he had suffered a concussion in a previous game and that the athletic trainer responsible for his care permitted him to participate in a subsequent game, despite knowing about the concussion.

According to the athlete, that decision led to permanent neurological damage, which resulted in him being confined to a wheelchair and having to communicate with other people via keyboard.

The athlete sued the school's athletic trainers and the school district for negligence. Specifically, the athlete alleged, in the game in which the permanent neurological damage occurred, the school's head football coach had ignored signs that he was in distress following the hit to the head. In a court deposition, an assistant athletic trainer at the school reported that the athlete's continuing symptoms of a concussion were, in fact, ignored.

In addition, the assistant athletic trainer admitted in the deposition that a week before the injury, the student had complained to the team's athletic trainer about having headaches. Those headaches caused the student to miss parts of practice during the week, according to the deposition. In addition, the assistant athletic trainer stated in the deposition that, just a few minutes before the game in which the serious injury occurred, the athlete requested to be allowed to sit out the first quarter of the game because his head was hurting. However, the coach refused to take him out of the game.

After playing in the first half of the game, the student collapsed on the sidelines and was rushed to a local hospital. Doctors had to remove part of his skull to alleviate pressure from internal bleeding. It was the bleeding inside his brain that caused the substantial and irreversible damage.

The school district decided to settle the case for \$4.4 million rather than go to trial. If the case had proceeded to trial, attorneys for the athlete could have sought compensatory and punitive damages under state law. According to the state's law, when an individual takes a job, such as an athletic trainer, in which he or she is responsible for providing a service to another person fails, and to use reasonable care in carrying out that service, it can potentially result in that person being liable for any personal injury.

The student athlete asserted that it is the responsibility of athletic trainers to assess injuries and decide whether or not they are fit to play. In taking the job as athletic trainers, the athlete contended, they hold themselves out to be qualified in athletic training. By ignoring his signs of distress, the athletic trainers in this case breached the duty of care they owed him, according to the theory of the lawsuit.

What would have been the amount of compensatory and punitive damages had the case gone to trial and the athlete had won? No one knows for sure, but it is instructive to understand the purpose of compensatory and punitive damages. Compensatory damages attempt to put an injured person back in the position he or she was in before being injured. Punitive damages are intended to punish wrongdoers and discourage them from harming others in the future.