

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

CIVIL ACTION NO.

DIVISION

DAVID JAMES MANCINA, INDIVIDUALLY,
AND ON BEHALF OF A CLASS

VS

ROGER GOODELL, COMMISSIONER
OF THE NATIONAL FOOTBALL LEAGUE,
AND THE NATIONAL FOOTBALL LEAGUE

CLASS ACTION COMPLAINT FOR DAMAGES

JURY TRIAL

The petition of David James Mancina, a person of the full age of majority and a resident of St. Tammany Parish, State of Louisiana, respectively, represents:

I.

This Court has jurisdiction under 28 USC 1331 and 1332 (d)(2), in that Plaintiffs is diverse in his residency from Defendants, and the amount in controversy, exclusive of interest and costs, exceeds the sum of \$5,000,000.

II.

Defendants are Roger Goodell, Commissioner of The National Football League, (commissioner hereinafter), and The National Football League, (League hereinafter), both at all times pertinent engaging in or doing business relative to, or connected with, the content of this Complaint, within the jurisdiction of this Court.

III.

Complainant, and the class that he seeks to represent, (class hereinafter), are season, or per game, ticket holders, of the New Orleans Saints, (Saints hereinafter), for the 2012-2013 football season.

IV.

Complainant, and the class, purchased their tickets with the representation, and expectation, from the Commissioner and the League that the Saints would be capable of competitively fielding a contending team comprised of the finest athletes, and the best coaches, under contract with the New Orleans Saints, or available to them through normal trades and draft choices, without dictatorial, unreasonable, vindictive, and unfounded, interference from the Commissioner and the League, devoid of due process.

V.

The Commissioner and the League on March 21, 2012, subsequent to the purchase of tickets by Plaintiff and the class, or prior notice to the fan public of an alleged investigation ongoing from 2009, without due process, sufficient evidence, and without consideration for the rights of the paying ticket holder Plaintiffs, and the 85,000 members of the class, summarily, without due process or credible evidence, suspended Sean Payton, the head coach for the entire year; Joe Vitt, the assistant head coach for the first six games of the 2012 season; Jonathan Vilma, the defensive captain for the entire 2012 season; Will Smith, the leading defensive end for the first four games of the 2012 season; Mickey Loomis, the general manager, for the first eight games of the 2012 season; and forfeiture of second round draft choices in the 2012 and 2013 drafts, thereby devastating: the quality of the Saints; the value of the tickets purchased by Plaintiff and the class subsequent to their purchase; and the confidence and emotional

attachment of Plaintiff, and the class, to the Saints, due to the unfair, prejudicial, unreasonable, and vindictive, actions of the Commissioner and the League.

VI.

Prior to the above action by the Commissioner and the League no opponent team member, news media representative, or NFL professional reviewer of game films of the New Orleans Saints for the years 2008-2011, reported any evidence of unusual, prohibited, or abnormal, conduct on any Saint player supporting the groundless conclusions of the Commissioner and the League.

VII.

The Commissioner and the League, assuming that there was some misconduct on the part of Saint players, coaches, or executives, which is denied, could have fashioned non-ticket holder penalties, such as hefty fines, that would have impacted the alleged violators, or those responsible for their actions under respondeat superior alone, without impacting the quality of play. However, they chose a form of punishment that punished the innocent ticket holders more than anyone, without any consideration of the impact on the group, fans, that make the League, the Commissioner, and the NFL teams, successful.

VIII.

Plaintiff and the class are entitled to damages resulting from: the diminishment in the value of their tickets; their personal emotional reaction to the unwarranted penalties inflicted on their beloved team, players, coaches, and executives; and the deliberate reduction of the competitive capability of the Saints due to the selective gutting of the critical components needed to justify the loyalty of Plaintiff and the class.

IX.

The League and the Commissioner have failed, in spite of legal demands from some of the unjustly accused, to produce any legally credible support for their disastrous punishments.

X.

The Class is so numerous that joinder of all members is impracticable. There are questions of law or fact common to the Class. The claims or defenses of the representative parties are typical of the claims or defenses of the Class. The representative parties will fairly and adequately protect the interests of the Class, all in conformity with Rule 23 of the Federal Rules of Civil Procedure.

WHEREFORE, Plaintiffs, individually, and on behalf of the class, pray that Defendants be duly cited to appear and answer this complaint and after due proceedings for judgment against The Commissioner and the League for damages to fully compensate Plaintiffs, and the Class, for damages, and all other general and equitable relief required in the premises. Plaintiff further prays for trial by jury.

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Lawrence D. Wiedemann Bar No. 13457
Karl Wiedemann Bar No. 18502
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Metairie, Louisiana 70005
504-581-6180
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ldwiedemann@gmail.com
karlwiedemannlaw@gmail.com

JS 44 (Rev. 09/11)

CIVIL COVER SHEET

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DAVID JAMES MANCINA, Individually
& on behalf of a class

(b) County of Residence of First Listed Plaintiff St. Tammany
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Lawrence D. Wiemann, Wiemann Law
Firm, 10 Veterans Blvd, Suite 444, Metairie LA 70005

DEFENDANTS

ROGER GOODALL, Commissioner
of the NATIONAL FOOTBALL LEAGUE &
the National Football League

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

28 USC 1331 & 1332
CLASS ACTION SUIT IN EXCESS OF \$5,000,000.00

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

\$0,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/15/2012

SIGNATURE OF ATTORNEY OF RECORD

Lawrence D. Wiemann

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Louisiana

DAVID JAMES MANCINA, INDIVIDUALLY AND ON
BEHALF OF A CLASS

Plaintiff

v.

ROGER GOODELL, COMMISSIONER OF THE
NATIONAL FOOTBALL LEAGUE, ET AL

Defendant

)
)
)
) Civil Action No. 2:12-02512
)
)
)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

ROGER GOODELL
COMMISSIONER, NATIONAL FOOTBALL LEAGUE
280 PARK AVENUE
15TH FLOOR
NEW YORK, NEW YORK 10017

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

LAWRENCE D. WIEDEMANN
WIEDEMANN LAW FIRM
110 VETERANS BOULEVARD, SUITE 444
METAIRIE LOUISIANA 70005

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 2:12-02512

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Louisiana

DAVID JAMES MANCINA, INDIVIDUALLY AND ON
BEHALF OF A CLASS

Plaintiff

v.

ROGER GOODELL, COMMISSIONER OF THE
NATIONAL FOOTBALL LEAGUE, ET AL

Defendant

)
)
)
) Civil Action No. 2:12-02512
)
)
)

SUMMONS IN A CIVIL ACTION

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280 PARK AVENUE
15TH FLOOR
NEW YORK, NEW YORK 10017

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WIEDEMANN LAW FIRM
110 VETERANS BOULEVARD, SUITE 444
METAIRIE LOUISIANA 70005

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

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Signature of Clerk or Deputy Clerk

Civil Action No. 2:12-02512

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☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

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 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____ .

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I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: