

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

----- X
JONATHAN VILMA,

Plaintiff,

v.

ROGER GOODELL,

Defendant.
----- X

Civil Action No. 12-cv-1283

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Jonathan Vilma, by his attorneys, Peter R. Ginsberg Law, LLC and Williams Law Group, LLC, for his Complaint against Defendant Roger Goodell, alleges as follows:

NATURE OF THE ACTION

1. By this action, Vilma seeks to recover damages for defamatory statements made by Roger Goodell, Commissioner of the National Football League (“NFL”). Vilma is a professional football player for the New Orleans Saints (“Saints”), a Member Club of the NFL. Goodell, speaking publicly about certain Saints executives, coaches and players, in relation to purported efforts designed to injure opposing players, made public statements concerning Vilma which were false, defamatory and injurious to Vilma’s professional and personal reputation.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over Vilma’s claims pursuant to 28 U.S.C. § 1332(a)(1) because the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States.

3. This Court has personal jurisdiction over Goodell pursuant to Rule 4(c) of the Federal Rules of Civil Procedure and La. Rev. Stat. § 13:3201. Goodell transacts continuous and systematic business in Louisiana and in this judicial district and his defamatory statements were

continuously transmitted in this judicial district.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) and (b)(3).

THE PARTIES

5. Vilma is a linebacker for the Saints, an eight-year veteran of the NFL, and a citizen of the State of Florida. Vilma has been a member of the Saints since 2008 and a Captain of the defense since 2008.

6. Goodell is the Commissioner of the NFL and, upon information and belief, a citizen of the State of New York.

BACKGROUND

The “Bounty Rule” Investigation

7. On March 2, 2012, Goodell and the NFL, at Goodell’s direction, issued a press release alleging that Saints executives, coaches and defensive players had violated the NFL’s “Bounty Rule” during the 2009, 2010 and 2011 seasons (“March 2 Press Release”).

8. The Bounty Rule prohibits Member Clubs “from offering or paying bonuses to a player for his or his team’s performance against a particular team, a particular opposing player or players, or a particular group of an opposing team, or for on-field misconduct, such as personal fouls to or injuries inflicted on opposing players.”

9. Goodell, in his March 2 Press Release, alleged that Saints coaches and defensive players maintained a “bounty” program (“Bounty Program”) whereby players contributed cash into a pool and received “cash payments” for, *inter alia*, “‘cart-offs’ (meaning that the opposing players was carried off the field) and ‘knockouts’ (meaning that the opposing player was not able to return to the game).”

10. Vilma was a defensive player on the Saints during the 2009, 2010 and 2011 seasons.

11. Goodell's March 2 Press Release and its contents were reported, and continue to be reported, as Goodell knew would be the case, by essentially every major news organization in the United States.

12. Also on March 2, 2012, Goodell disseminated a "report" to all 32 Member Clubs detailing what he described as a Bounty Program. Goodell claimed in that "report" that Saints defensive players "pledged significant amounts" of money towards the Bounty Program and "targeted particular players" for injury. ("March 2 Club Report.")

13. Goodell, in the March 2 Club Report, was referring specifically, as the recipients of the March 2 Club Report were well aware, to Vilma, a Captain of the Saints defense, when describing players who had purportedly "pledged significant amounts" and "targeted particular players."

14. Goodell, in the March 2 Club Report, also alleged that "prior to a Saints playoff game in January, 2010, defensive captain Jonathan Vilma offered \$10,000 in cash to any player who knocked [opposing quarterback Brett] Favre out of the game." ("Favre Allegation.")

15. Goodell knew and intended that the contents of the March 2 Club Report would be disseminated publicly.

16. The contents of the March 2 Club Report, including the Favre Allegation, were reported, and continue to be reported, by essentially every major news organization, as Goodell intended.

17. Upon information and belief, Goodell told others that Vilma placed \$10,000 in cash on a table during a team meeting in making the alleged offer concerning Favre.

18. Goodell did not reveal, and, despite repeated requests from among others, Vilma, has never revealed, any evidence purportedly corroborating that a Bounty Program existed, that Vilma participated in any such Bounty Program, and Goodell's statements.

19. Goodell did not reveal, and, despite repeated requests from, among others, Vilma, has never revealed, any supposed sources purportedly corroborating that a Bounty Program existed, that Vilma participated in any such Bounty Program, and Goodell's statements.

Goodell Imposes Discipline on the Saints

20. On March 21, 2012, Goodell and the NFL, at Goodell's direction, issued a press release detailing punishment to be imposed on the Saints and Saints personnel. ("March 21 Press Release.") Goodell:

- a. fined the Saints \$500,000, and required the Saints to forfeit second round draft picks in the 2012 and 2013 NFL Drafts;
- b. suspended Saints Head Coach Sean Payton without pay for the 2012 NFL season;
- c. suspended Saints General Manager Mickey Loomis without pay for the first eight regular season games of the 2012 season;
- d. suspended former Saints defensive coordinator Gregg Williams indefinitely from the NFL; and
- e. suspended Saints Assistant Head Coach Joe Vitt without pay for the first six regular season games of the 2012 season.

21. Goodell, in his March 21 Press Release, again reported by essentially every major news organization in the United States, as Goodell intended, stated on possible discipline of Saints players:

... I am profoundly troubled by the fact that players – including leaders among the defensive players – embraced this program so enthusiastically and participated with what appears to have been a deliberate lack of concern for the well-being of their fellow players.... While all club personnel are expected to play to win, they must not let the quest for victory so cloud their judgment that they willingly and willfully target their opponents and engage in unsafe and prohibited conduct intended to injure players.

22. Goodell was referring to Vilma, a Captain of the Saints defense, when identifying “leaders among the defensive players.”

23. Goodell, in his March 21 Release, was referring to Vilma, a Captain of the Saints defense, among others, when describing players who had purportedly “pledged funds toward bounties on specific opposing players.”

24. Goodell, in his March 21 Press Release, also repeated the allegation that “several players pledged funds toward bounties on specific opposing players” and that “defensive captain Jonathan Vilma offer[ed] \$10,000 to any player who knocked Brett Favre out of the NFC Championship Game in 2010.”

25. Also on March 21, 2012, Goodell sent a Memorandum of Decision to all 32 Member Clubs attempting to justify the punishment he imposed on Saints personnel (“March 21 Club Memorandum”).

26. In the March 21 Club Memorandum, Goodell repeated that:

- a. “several players pledged funds toward bounties on specific opposing players”;
- b. “defensive captain Jonathan Vilma offered \$10,000 to any player who knocked Brett Favre out of the NFC Championship Game in 2010”; and
- c. players “willingly and willfully engage[d] in conduct on the field intended to injure fellow players.”

27. Goodell, in the March 21 Club Memorandum, was referring to Vilma, a Captain of the Saints defense, among others, when describing players who had purportedly “pledged funds toward bounties on specific opposing players.”

28. Goodell, in the March 21 Club Memorandum, was referring to Vilma, a Captain of the Saints defense, among others, when describing players who had “willingly and willfully engage[d] in conduct on the field intended to injure fellow players.”

29. Goodell knew and intended that the contents of the March 21 Club Memorandum would be disseminated publicly.

Goodell Imposes Discipline on Saints Players

30. On April 24, 2012, during an interview with Rich Eisen of the NFL Network, Goodell stated that the “evidence was clear that the players embraced” a Bounty Program.

31. Goodell, in the April 24, 2012 interview, was referring to Vilma, among others, when describing players who had purportedly “embraced” a Bounty Program.

32. On May 2, 2012, Goodell and the NFL, at Goodell’s direction, issued a press release detailing punishment to be imposed on Saints players (“May 2 Press Release”). Goodell:

- a. suspended linebacker Scott Fujita without pay for the first three games of the 2012 regular season;
- b. suspended defensive end Will Smith without pay for the first four games of the 2012 regular season;
- c. suspended defensive lineman Anthony Hargrove without pay for the first eight games of the 2012 regular season; and
- d. suspended Vilma without pay for the entire 2012 regular season.

33. Goodell, in his May 2 Press Release, repeated and expanded on his statements

concerning Vilma. Goodell claimed that:

- a. Vilma “assisted Coach Williams in establishing and founding the [Bounty] program,” and “offered a specific bounty - \$10,000 in cash – to any player who knocked Arizona quarterback Kurt Warner out of the 2009 Divisional Playoff Game and later pledged the same amount to anyone who knocked Minnesota quarterback Brett Favre out of the 2009 NFC Championship Game”;
- b. “Saints players of their own accord pledged significant amounts of their own money toward bounties... accepted payments for ‘cart-offs’ and ‘knockouts’ of injured opposing players, and that the payout amounts doubled and tripled for playoff games”;
- c. Vilma “contributed a particularly large sum of money toward the [Bounty] program; specifically contributed to a bounty on an opposing player; demonstrated a clear intent to participate in a program that potentially injured opposing players; [and] sought rewards for doing so”; and
- d. Vilma “willingly and enthusiastically embraced the bounty program... [and] put the vast majority of the money into this program.”

The Truth

34. Vilma, as a Captain of the Saints defense, was instrumental in leading the Saints to their first-ever Super Bowl championship in the 2009 season and is highly regarded as a player and individual throughout the United States and in the State of Louisiana as well as in the professional football community.

35. Vilma never established, or assisted in establishing, a Bounty Program or any

similar program in violation of NFL rules.

36. Vilma never “pledged,” made or received payments of any kind encouraging or resulting from an opposing player being carried off the field, i.e., “cart-offs.”

37. Vilma never “pledged,” made or received payments of any kind encouraging or resulting from an opposing player being unable to return to the game, i.e., “knockouts.”

38. Vilma never “pledged,” made or received payments of any kind encouraging or resulting from an opposing player being injured.

39. Vilma never “targeted” an opposing player in any manner that would violate NFL rules.

40. Vilma never engaged “in unsafe and prohibited conduct intended to injure players.”

41. Vilma never “participate[d] in a program that potentially injured opposing players.”

42. Vilma never “embraced” a Bounty Program or any similar program in violation of NFL rules.

43. Vilma never paid, or intended to pay, \$10,000, or any amount of money, as an incentive to any player to knock Warner, Favre, or any other player, out of the 2009 Divisional Playoff Game, 2010 NFC Championship Game, or any other game.

44. Vilma never placed \$10,000, or any amount of money, on any table or anywhere else as part of a Bounty Program or any other program in violation of NFL rules.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

(Slander Per Se – Injury to Professional Reputation)

45. Vilma repeats and re-alleges the allegations set forth in paragraphs 1 to 44 as if

fully set forth at length herein.

46. Goodell's statements and publications described herein ("Statements") concerned Vilma and were false.

47. Goodell's Statements were widely published and not privileged in any manner.

48. Goodell's Statements were made with reckless disregard of their truth or falsity and/or with malice.

49. Goodell's Statements were slanderous per se because they injure Vilma's professional reputation.

50. Goodell's Statements forever falsely taint and permanently damage Vilma, in the eyes of NFL Clubs, media, fans and sponsors, as a player who brazenly disregards NFL rules and intentionally attempts to injure his opponents. Media will forever mention his name in the context of the Bounty investigation and fans will forever remember Vilma with ill repute rather than remember his substantial accomplishments on and off the field. In addition, NFL Clubs will be less likely to sign Vilma as a result of his tainted reputation and sponsors will be less likely to pay Vilma to promote their products and services.

SECOND CLAIM FOR RELIEF
(Slander Per Se – Injury to Personal Reputation)

51. Vilma repeats and re-alleges the allegations set forth in paragraphs 1 to 50 as if fully set forth at length herein.

52. Goodell's Statements concerned Vilma and were false.

53. Goodell's Statements were widely published and not privileged in any manner.

54. Goodell's Statements were made with reckless disregard of their truth or falsity and/or with malice.

55. Goodell's Statements were slanderous per se because they injure Vilma's personal

reputation.

56. Goodell's Statements forever falsely taint and permanently damage Vilma, in the eyes of NFL Clubs, media, fans and sponsors, as a player who brazenly disregards NFL rules and intentionally attempts to injure his opponents. Vilma has devoted four years of his personal and professional life to the City and community of New Orleans. Goodell's Statements permanently damage Vilma's personal reputation in Louisiana and around the world. Vilma will soon have to leave behind the world of professional football and will likely face difficulties in obtaining other employment and entering into new ventures as a result of Goodell's false and defamatory Statements.

THIRD CLAIM FOR RELIEF

(Slander Per Se – Accusations of Criminal Conduct)

57. Vilma repeats and re-alleges the allegations set forth in paragraphs 1 to 56 as if fully set forth at length herein.

58. Goodell's Statements concerned Vilma and were false.

59. Goodell's Statements were widely published and not privileged in any manner.

60. Goodell's Statements were made with reckless disregard of their truth or falsity and/or with malice.

61. Goodell's Statements were slanderous per se because they allege Vilma was engaged in criminal conduct.

62. Goodell accused Vilma of engaging in a pattern of behavior designed to intentionally injure other persons for financial profit. Goodell's false statements forever falsely taint and permanently damage Vilma in the eyes of NFL Clubs, media, fans and sponsors, as a player who brazenly disregards NFL rules and intentionally attempts to injure his opponents.

FOURTH CLAIM FOR RELIEF
(Slander By Implication)

63. Vilma repeats and re-alleges the allegations set forth in paragraphs 1 to 62 as if fully set forth at length herein.

64. Goodell's Statements concerned Vilma and indicate the existence of other facts which are defamatory.

65. Goodell's Statements were widely published and not privileged in any manner.

66. Goodell's Statements were made with reckless disregard of their truth or falsity and/or with malice.

67. Goodell had no reasonable grounds for believing the truth of his Statements. Goodell relied on, at best, hearsay, circumstantial evidence and lies in making the Statements.

68. Goodell's Statements forever falsely taint and permanently damage Vilma, in the eyes of NFL Clubs, media, fans and sponsors, as a player who brazenly disregards NFL rules and intentionally attempts to injure his opponents.

FIFTH CLAIM FOR RELIEF
(Slander – Reckless Disregard/Malice)

69. Vilma repeats and re-alleges the allegations set forth in paragraphs 1 to 68 as if fully set forth at length herein.

70. Goodell's Statements concerned Vilma and were false.

71. Goodell's Statements were widely published and not privileged in any manner.

72. Goodell's Statements were made with reckless disregard of their truth or falsity and/or with malice.

73. Goodell had no reasonable grounds for believing the truth of his Statements. Goodell relied on, at best, hearsay, circumstantial evidence and lies in making the Statements.

74. Goodell's Statements forever falsely taint and permanently damage Vilma, in the eyes of NFL Clubs, media, fans and sponsors, as a player who brazenly disregards NFL rules and intentionally attempts to injure his opponents.

SIXTH CLAIM FOR RELIEF

(Libel Per Se – Injury to Professional Reputation)

75. Vilma repeats and re-alleges the allegations set forth in paragraphs 1 to 74 as if fully set forth at length herein.

76. Goodell's Statements concerned Vilma and were false.

77. Goodell's Statements were widely published and not privileged in any manner.

78. Goodell's Statements were made with reckless disregard of their truth or falsity and/or with malice.

79. Goodell's Statements were libelous per se because they injure Vilma's professional reputation.

80. Goodell's Statements forever falsely taint and permanently damage Vilma, in the eyes of NFL Clubs, media, fans and sponsors, as a player who brazenly disregards NFL rules and intentionally attempts to injure his opponents. Media will forever mention his name in the context of the Bounty investigation and fans will forever remember Vilma with ill repute rather than remember his substantial accomplishments on and off the field. In addition, NFL Clubs will be less likely to sign Vilma as a result of his tainted reputation and sponsors will be less likely to pay Vilma to promote their products and services.

SEVENTH CLAIM FOR RELIEF

(Libel Per Se – Injury to Personal Reputation)

81. Vilma repeats and re-alleges the allegations set forth in paragraphs 1 to 80 as if fully set forth at length herein.

82. Goodell's Statements concerned Vilma and were false.

83. Goodell's Statements were widely published and not privileged in any manner.

84. Goodell's Statements were made with reckless disregard of their truth or falsity and/or with malice.

85. Goodell's Statements were libelous per se because they injure Vilma's personal reputations.

86. Goodell's Statements forever falsely taint and permanently damage Vilma, in the eyes of NFL Clubs, media, fans and sponsors, as a player who brazenly disregards NFL rules and intentionally attempts to injure his opponents. Vilma has devoted four years of his personal and professional life to the City and community of New Orleans. Goodell's Statements permanently damage Vilma's personal reputation in Louisiana and around the world. Vilma will soon have to leave behind the world of professional football and will likely face difficulties in obtaining other employment and entering into new ventures as a result of Goodell's false and defamatory Statements.

EIGHTH CLAIM FOR RELIEF

(Libel Per Se – Accusations of Criminal Conduct)

87. Vilma repeats and re-alleges the allegations set forth in paragraphs 1 to 86 as if fully set forth at length herein.

88. Goodell's Statements concerned Vilma and were false.

89. Goodell's Statements were widely published and not privileged in any manner.

90. Goodell's Statements were made with reckless disregard of their truth or falsity and/or with malice.

91. Goodell's Statements were libelous per se because they allege Vilma was engaged in criminal conduct.

92. Goodell accused Vilma of engaging in a pattern of behavior designed to intentionally injure other persons for financial profit. Goodell's false statements forever falsely taint and permanently damage Vilma in the eyes of NFL Clubs, media, fans and sponsors, as a player who brazenly disregards NFL rules and intentionally attempts to injure his opponents.

NINTH CLAIM FOR RELIEF
(Libel By Implication)

93. Vilma repeats and re-alleges the allegations set forth in paragraphs 1 to 92 as if fully set forth at length herein.

94. Goodell's Statements concerned Vilma and indicate the existence of other facts which are defamatory.

95. Goodell's Statements were widely published and not privileged in any manner.

96. Goodell's Statements were made with reckless disregard of their truth or falsity and/or with malice.

97. Goodell had no reasonable grounds for believing the truth of his Statements. Goodell relied on, at best, hearsay, circumstantial evidence and lies in making the Statements.

98. Goodell's Statements forever falsely taint and permanently damage Vilma, in the eyes of NFL Clubs, media, fans and sponsors, as a player who brazenly disregards NFL rules and intentionally attempts to injure his opponents.

TENTH CLAIM FOR RELIEF
(Libel – Reckless Disregard/Malice)

99. Vilma repeats and re-alleges the allegations set forth in paragraphs 1 to 98 as if fully set forth at length herein.

100. Goodell's Statements concerned Vilma and were false.

101. Goodell's Statements were widely published and not privileged in any manner.

102. Goodell's Statements were made with reckless disregard of their truth or falsity and/or with malice.

103. Goodell had no reasonable grounds for believing the truth of his Statements. Goodell relied on, at best, hearsay, circumstantial evidence and lies in making the Statements.

104. Goodell's Statements forever falsely taint and permanently damage Vilma, in the eyes of NFL Clubs, media, fans and sponsors, as a player who brazenly disregards NFL rules and intentionally attempts to injure his opponents.

ELEVENTH CLAIM FOR RELIEF
(Intentional Infliction of Emotional Distress)

105. Vilma repeats and re-alleges the allegations set forth in paragraphs 1 to 104 as if fully set forth at length herein.

106. Goodell's Statements and conduct were extreme and outrageous.

107. Goodell's Statements and conduct have caused Vilma to suffer severe emotional distress.

108. Goodell knew and intended that Vilma would suffer severe emotional distress as a result of his Statements and conduct.

PRAYER FOR RELIEF

WHEREFORE, Vilma seeks judgment as follows:

109. Awarding Vilma all compensatory damages he has suffered, including consequential and incidental damages, as a result of Goodell's wrongful conduct in an amount to be determined at trial;

110. Awarding Vilma punitive damages in a just amount for Goodell's willful and wanton conduct;

111. Awarding Vilma pre-judgment and post-judgment interest;

112. Awarding Vilma his costs, expenses and attorney's fees incurred in connection with this action; and

113. Awarding Vilma such other relief as the Court finds just and proper.

Dated: New York, New York
May 17, 2012

Respectfully submitted,

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May 17, 2012

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