

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
CASE NO. 08-1002
SECTION B MAG. 2

WILLIE GARY, et al. :

Plaintiffs :

vs. : **AMENDED COMPLAINT**

NEW ENGLAND PATRIOTS, ET AL. :

Defendants :

Plaintiffs, by and through counsel, Amend their Complaint pursuant to Federal Rule of Civil Procedure 15.

1. No Answer has been filed.
2. Service is being effectuated.
3. Plaintiffs adopt and incorporate herein by reference, each and every allegation, paragraph and Count from their Complaint.
4. There has been an acknowledgement and confirmation the Defendants and/or others at their direction videotaped, in violation of league rules, opposing teams including the Pittsburgh Steelers regular season games 2001 and 2004 and the AFC Championship games 2001 and 2004.
5. According to published reports, including from the Associated Press, February 14, 2008:

“Bill Belichick has been illegally taping opponents’ defensive signals since he became the New England Patriots’ coach in 2000, according to Sen. Arlen Specter, who said NFL commissioner Roger Goodell told him that during a meeting Wednesday.

‘There was confirmation that there has been taping since 2000, when Coach Belichick took over,’ Specter said.

Specter said Goodell gave him that information during the 1-hour, 40-minute meeting, which was requested by Specter so the Commissioner could explain his reasons for destroying the Spygate tapes and notes.

'There were a great many questions answered by Commissioner Goodell,' Specter, the senior Republican on the Senate Judiciary Committee, told reporters after the meeting. 'I found a lot of questions unanswered because the tapes and notes had been destroyed.'

Goodell said Belichick told him he believed the taping was legal; Goodell said he did not concur."

6. The New England Patriots have played in four Super Bowls since 2000. They have played in 112 regular season games and 13 playoff games from 2002-2006.
7. We know in summary the following information:
 - A. The Defendants and/or others acting at their direction have in violation of league rules videotaped at least three regular season games in an effort to steal signals. (Jets – Patriots – 2007, first game of year and Steelers 2001 and 2004.)
 - B. The Defendants and/or others acting at their direction have been involved in a similar incident in November 2006 at Green Bay.
 - C. The Boston Herald cited a source close to the Patriots during the 2001 season as saying the team held a "walk-through" at the Superdome in New Orleans before the game on February 3, 2002.
 - D. The Defendants have been, directly or indirectly, involved in this conduct relative to the Steelers playoff games in 2001 and 2004.
 - E. Roger Goodell in published reports stated the tapes he destroyed were 2006 and 2007 preseason and regular season games.
8. Preseason games, regular season games, playoff games and a Super Bowl are all related and part of a pattern of fraudulent activities.
9. Based upon all the allegations herein and the Complaint, Plaintiffs desire to amend by addition, paragraph 64 of the Complaint to include, in addition to the three classes previously named:

- A. All those who purchased tickets and/or attended the 2002 Super Bowl.
- B. All St. Louis Ram employees on the 2002 Super Bowl Team.
- C. Owners of the St. Louis Ram seat licenses for the 2001-2002 season;

Plaintiffs wish to add the following classes:

D. All employees and players of all NFL teams (Willie Gary representative as a NFL Player/Employee) who the Defendants and/or those at their direction fraudulently videotaped in the manner as described herein and in the Complaint.

E. All fans of all NFL teams who purchased tickets and/or attended the games referenced in subparagraph (D).

F. Owners of all seat licenses of teams affected by games reference in (D).

10. These classes would cover all players, employees, seat licenseholders, and game attendees potentially damaged by the "Spygate" scandal.

11. The fines administered by the NFL against the Defendants have done nothing to compensate those damaged by the Defendants conduct.

12. It is a reasonable expectation, no NFL team will file an action against another team such as the Patriots. To do so would create insurmountable resolution possibilities for the NFL which prides itself on control by the Commission and its owners.

13. The only manner to bring a complete and final for the Plaintiffs, the Defendants and the NFL is the following:

- A. Class certification of all Plaintiff classes, including the expansion of classes pursuant to this Amended Complaint.
- B. Full and public disclosure by the NFL and Defendants of all conduct

which involves the fraudulent taping. This includes every taping, every date, every location and every team involved.

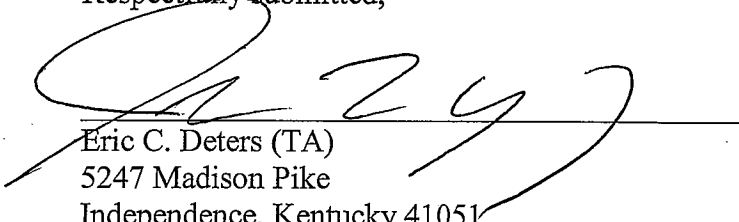
C. Adjudication of all claims by a Court or Jury or settlement.

14. Based upon the Patriots prior denial, followed by admissions, Plaintiffs believe discovery through written discovery, subpoenas and depositions is a necessity and is warranted based upon the public published reports, Senator Specter's investigation and the admissions to date.

15. As reported by Sen. Arlen Specter, Roger Goodell received the notes and tapes on September 17 and destroyed them September 20. He levied the punishment on September 13. The game was September 9. He punished before reviewing the evidence.

Wherefore, Plaintiffs seek all relief in their Complaint consistent with all Counts in the Complaint as supported by the allegations in the Amended Complaint and Complaint.

Respectfully submitted,



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