

FACT SUMMARY

Mia Larsen, a minor child and the only daughter of Casey Larsen, sustained a serious concussion during a college showcase soccer tournament on Friday, December 7, 2012, while playing for the Strikers Soccer Club Under-17 Premier soccer team. Mia continues to suffer from significant mental and physical impairment as a result of that concussion. Mia has filed a lawsuit against Strikers Soccer Coach, Shane Perez; Strikers Soccer Club Director, Jordan Smith; and Strikers Soccer Club, Inc., arguing that they were negligent in returning her to play too soon after an earlier concussion and are, therefore, liable for the damages which she sustained.

STIPULATIONS

1. All exhibits included in the case materials are authentic and accurate in all respects. No objections to the authenticity of exhibits will be honored. Exhibits may still be objectionable under the Mock Trial Rules of Evidence, and all exhibits will require proper foundation for admission.
2. No props may be used in lieu of, or in addition to, evidence included in this packet. Teams may use markers, pens, or pointers to assist in the presentation of witness testimony concerning an exhibit, but no other demonstrative aids are permitted in the competition. Use of electronic equipment is prohibited.
3. Exhibits may be copied and enlarged for demonstrative purposes only, but shall not exceed 36" by 48" in size.
4. All signatures on Witness Affidavits and other documents are authentic. If asked, a witness must acknowledge signing the document(s) and must attest to the content of the document(s) and the date(s) indicated thereon. The Witness Affidavits are deemed to be given under oath or affirmation.
5. The trial is bifurcated, and liability is the only issue to be determined during this trial. The amount of damages to be awarded, if any, will not be at issue in this trial.
6. The Acute Concussion Evaluation (ACE) report is admissible without further foundation. No hearsay objection to this document will be allowed.
7. Before trial, the Court denied the Defendants' Motion to Dismiss the lawsuit on the grounds that Plaintiff waived and released her claims through her parent's execution of the Medical Consent/Waiver of Liability and Release, dated June 2, 2012. In its ruling, the Court determined, as a matter of law, that the waiver and release of liability was not enforceable against the Plaintiff.

WITNESSES

For the Plaintiff

Casey Larsen, parent of injured player, Mia Larsen
Dr. Alex Beckstead, concussion expert
Harper Durant, North Canyon High School soccer coach

For the Defense

Shane Perez, Strikers Soccer Club Coach/co-Defendant
Jordan Smith, Strikers Soccer Club Director/co-Defendant
Chris Helu, classmate of Mia Larsen

EXHIBITS

1. Acute Concussion Evaluation (ACE) Physician Form for Mia Larsen
2. Acute Concussion Evaluation (ACE) Care Plan for Mia Larsen
3. CDC Fact Sheet: “Facts about Concussion and Brain Injury”
4. Dr. Robert Cantu’s “Return to Play Guidelines”
5. Strikers Soccer Club “Medical Consent/Waiver of Liability and Release Form”
6. CDC High School Athlete “Fact Sheet”
7. CDC High School Coaches’ “Heads Up” Clipboard Sticker
8. CDC High School Athletes’ “Sign and Symptoms” Poster
- 9(a). North Canyon High School Concussion Information for Student-Athletes and Parents/Legal Custodians
- 9(b). North Canyon High School Concussion Statement for Student-Athletes and Parents/Legal Custodians
10. USYS Concussion Procedure and Protocol
11. USYS Possible Concussion Notification
12. Curriculum Vitae of Dr. Alex Beckstead

APPLICABLE LAW

Explanation of Relevant Civil Law

Negligence

1. **General Rule: Negligence is the failure to use ordinary or reasonable care.** To prove negligence, the party making the claim must prove four elements: duty, breach of duty, causation, and damages.
 - (a) **Duty:** To prove negligence, the plaintiff must first demonstrate that the defendant owed a duty of care to the plaintiff. Negligence refers to a person's failure to follow a duty of care owed as a result of a relationship that exists between the parties. Every person is under a duty to use ordinary care to protect him/herself and others from injury. Ordinary care means that degree of care which a reasonable and prudent person would use under the same or similar circumstances to protect him/herself and others from injury. It includes both the failure to do what a reasonably prudent person would have done under the same or similar circumstances, and the doing of something which a reasonably prudent person would *not* have done under the same or similar circumstances. To prove negligence, the plaintiff must first demonstrate that the defendant owed a duty of care to the plaintiff.
 - (b) **Breach of Duty:** (i) A person's failure to use ordinary care is a breach of duty. The burden of proof is on the plaintiff to prove, by the greater weight of the evidence, that the defendant did not uphold his/her duty to exercise reasonable and prudent care in the given circumstances. (ii) The failure of the defendant to comply with a statute, which pertains to the alleged negligent conduct, creates a presumption that the defendant owed the plaintiff a duty, and breached that duty.
 - (c) **Causation:** Proximate cause is an action, which in a natural and continuous sequence, produces a person's injury, and which a reasonable and prudent person could have foreseen would probably result in such injury or some similar injury. There may be more than one proximate cause of an injury. Therefore, the plaintiff need not prove that the defendant's negligence was the only proximate cause of the injury. The plaintiff must only prove, by the greater weight of the evidence, that the defendant's negligence was *one* proximate cause of the injury.
 - (d) ****Damages:** Actual damages are the fair compensation which may be awarded to a person for any past, present, and/or future injury proximately caused by the negligence of another. In determining the amount, if any, to be awarded to the plaintiff, evidence is considered as to each of the following types of damages: past, present, and future pain and suffering; past, present, and future medical expenses; and past, present, and future diminution of earning capacity. The total of all damages are to be awarded in one lump sum.

*****For purposes of the mock trial exercise, student competitors need only prove the fact of injury and the elements of duty, breach, and causation. The amount of damages need not be proven or argued by participants and will not be determined by our mock trial judges. The element of damages is included here for educational purposes only.***

Comparative Negligence

1. **General Rule:** If at trial, more than one of the parties is found to be at fault, the judge/jury will then compare the fault of the parties.
 - (a) A party seeking damages will be entitled to a damage award if that party is less than 50% of the total fault in the case. However, a party seeking damages, who is more than 50% at fault, is not entitled to recover any damages whatsoever. For example, if a plaintiff is found to be 51% at fault for an accident, s/he is not entitled to recover any damages at all. In contrast, if the plaintiff is found to only be 49% at fault, s/he is entitled to recover some damages.
 - (b) If the defendant's conduct were intentional, no fault should be apportioned to the plaintiff.
2. **Minors; Children Age 14 and Older:** All normal children, 14 years of age and above, are conclusively presumed by law to possess that maturity of discretion which belongs to adults of ordinary prudence; and the general rules of law applicable to adults, including the law of comparative negligence, also apply to them.

Assumption of Risk

1. Assumption of the risk occurs when a person consents to be exposed to a dangerous condition or activity. The defendant(s) must prove by a preponderance of the evidence that prior to the time of injury, the plaintiff knowingly engaged in an activity that was inherently or obviously dangerous and, by doing so, took the chance that s/he could be injured.
2. If the judge/jury finds that the plaintiff has agreed to assume the risk of harm arising from negligent conduct on the part of the defendant(s), the judge/jury should take the findings into consideration in apportioning fault. The judge/jury should not apportion any fault to the plaintiff, or find that the plaintiff assumed the risk, if it is determined that the defendant(s)' conduct was willful, reckless, or grossly negligent.

Preponderance of the Evidence

1. In this action, the plaintiff has the burden of establishing, by a preponderance of the evidence, all of the facts necessary to prove the allegations contained in the plaintiff's complaint.
2. The defendant has the burden of establishing by a preponderance of the evidence, all of the facts necessary to prove the affirmative defenses contained in the defendants' answer.

3. The term preponderance of the evidence means that amount of evidence that causes a reasonable person to conclude that an allegation is probably true. To prove an allegation by a preponderance of the evidence, a party must convince the judge/jury that the allegation is more likely true than not true. If the evidence on a particular issue is equally balanced, that issue has not been proven by a preponderance of the evidence, and the party having the burden of proving that issue has failed.

LEGAL AUTHORITIES

Utah Code Annotated

Title 26 Utah Health Code

Section 26-53-101. Title.

This chapter is known as the "Protection of Athletes With Head Injuries Act."

Section 26-53-102. Definitions.

As used in this chapter:

- (1) "Agent" means a coach, teacher, employee, representative, or volunteer.
- (2)(a) "Amateur sports organization" means, except as provided in Subsection (2)(b):
 - (i) a sports team;
 - (ii) a public or private school;
 - (iii) a public or private sports league;
 - (iv) a public or private sports camp; or
 - (v) any other public or private organization that organizes, manages, or sponsors a sporting event for its members, enrollees, or attendees.
- (b) "Amateur sports organization" does not include a professional:
 - (i) team;
 - (ii) league; or
 - (iii) sporting event.
- (3) "Child" means an individual who is under the age of 18.
- (4) "Qualified health care provider" means a health care provider who:
 - (a) is licensed under Title 58, Occupations and Professions; and
 - (b) may evaluate and manage a concussion within the health care provider's scope of practice.
- (5)(a) "Sporting event" means any of the following athletic activities that is organized, managed, or sponsored by an organization:
 - (i) a game;
 - (ii) a practice;
 - (iii) a sports camp;
 - (iv) a physical education class;
 - (v) a competition; or
 - (vi) a tryout.

- (b) "Sporting event" does not include:
 - (i) the issuance of a lift ticket or pass by a ski resort, the use of the ticket or pass, or a ski or snowboarding class or school at a ski resort, unless the skiing or snowboarding is part of a camp, team, or competition that is organized, managed, or sponsored by the ski resort;
 - (ii) as applied to a government entity, merely making available a field, facility, or other location owned, leased, or controlled by the government entity to an amateur sports organization or a child, regardless of whether the government entity charges a fee for the use; or
 - (iii) free play or recess taking place during school hours.
- (6) "Traumatic head injury" means an injury to the head arising from blunt trauma, an acceleration force, or a deceleration force, with one of the following observed or self-reported conditions attributable to the injury:
 - (a) transient confusion, disorientation, or impaired consciousness;
 - (b) dysfunction of memory;
 - (c) loss of consciousness; or
 - (d) signs of other neurological or neuropsychological dysfunction, including:
 - (i) seizures;
 - (ii) irritability;
 - (iii) lethargy;
 - (iv) vomiting;
 - (v) headache;
 - (vi) dizziness; or
 - (vii) fatigue.

Section 26-53-201. Adoption and enforcement of concussion and head injury policy - Notice of policy to parent or guardian.

Each amateur sports organization shall:

- (1) adopt and enforce a concussion and head injury policy that:
 - (a) is consistent with the requirements of Section 26-53-301; and
 - (b) describes the nature and risk of:
 - (i) a concussion or a traumatic head injury; and
 - (ii) continuing to participate in a sporting event after sustaining a concussion or a traumatic head injury;
- (2) ensure that each agent of the amateur sports organization is familiar with, and has a copy of, the concussion and head injury policy; and
- (3) before permitting a child to participate in a sporting event of the amateur sports organization:
 - (a) provide a written copy of the concussion and head injury policy to a parent or legal guardian of a child; and
 - (b) obtain the signature of a parent or legal guardian of the child, acknowledging that the parent or legal guardian has read, understands, and agrees to abide by the concussion and head injury policy.

Section 26-53-301. Removal of child suspected of sustaining a concussion or a traumatic head injury -- Medical clearance required before return to participation.

- (1) An amateur sports organization, and each agent of the amateur sports organization, shall:
 - (a) immediately remove a child from participating in a sporting organization if the child is suspected of sustaining a concussion or a traumatic head injury; and
 - (b) prohibit the child described in Subsection (1)(a) from participating in a sporting event of the amateur sports organization until the child:
 - (i) is evaluated by a qualified health care provider who is trained in the evaluation and management of a concussion; and
 - (ii) provides the amateur sports organization with a written statement from the qualified health care provider described in Subsection (1)(b)(i) stating that:
 - (A) the qualified health care provider has, within three years before the day on which the written statement is made, successfully completed a continuing education course in the evaluation and management of a concussion; and
 - (B) the child is cleared to resume participation in the sporting event of the amateur sports organization.
- (2) This section does not create a new cause of action.

**IN THE DISTRICT COURT
SALT FLATS COUNTY, STATE OF UTAH**

MIA LARSEN, a minor,
by and through her parent,

CASEY LARSEN,

Plaintiff,

v.

SHANE PEREZ, JORDAN SMITH,
and **STRIKERS SOCCER CLUB, INC.**,

Defendants.

COMPLAINT FOR NEGLIGENCE

Case No. 14cv9876

COMES NOW the Plaintiff, MIA LARSEN, by and through her parent, CASEY LARSEN, and respectfully states to the Court and alleges as follows:

JURISDICTION AND VENUE

1. That at all times mentioned, Plaintiff Mia Larsen, a minor, was and is a resident of Salt Flats County, State of Utah. Casey Larsen, parent and lawful guardian of Mia Larsen, was and is a resident of Salt Flats County, State of Utah.
2. That at all times mentioned, Defendant Shane Perez was and is a resident of Salt Flats County, State of Utah.
3. That at all times mentioned, Defendant Jordan Smith was and is a resident of Salt Flats County, State of Utah.
4. That Defendant Strikers Soccer Club, Inc. is incorporated in the State of Utah with its principal place of business being in Salt Flats County, State of Utah.
5. All of the acts complained of in this Complaint occurred in Salt Flats County, State of Utah. Therefore, venue is proper in this Court.
6. In the aggregate, Plaintiff's claims exceed \$10,000 exclusive of interest and costs, and, therefore, this Court has original jurisdiction.

FACTS

7. Prior to and on the date of Friday, December 7, 2012, Plaintiff Larsen was a member of Under-17 Strikers Soccer Club Premier Girls' soccer team, coached by Defendant Perez.
8. On Monday, December 3, 2012, Plaintiff Larsen struck her head on the ground during soccer practice. She seemed shaken up enough for Defendant Perez to require the Plaintiff to sit out for the remainder of practice.
9. Defendant Perez did not inform Casey Larsen, Plaintiff's parent, of the incident in Monday's practice, nor did the Defendant suggest that Plaintiff Larsen be checked out by medical personnel for a possible concussion.
10. On Friday, December 7, 2012, Plaintiff Mia Larsen suffered a blow to the head during the first half of the 2012 December College Showcase tournament soccer game. Defendant Perez did not remove Plaintiff Larsen from the game at that time to check on her but, instead, kept Plaintiff Larsen in the game until halftime.
11. Defendant Perez did not ask Plaintiff Larsen about any possible concussion symptoms during halftime.
12. Defendant Perez put Plaintiff Larsen into the game at the beginning of the second half. About 15 to 20 minutes later, Plaintiff Larsen was tripped while dribbling the ball toward the goal. Plaintiff Larsen fell to the ground, striking her head hard when she landed.
13. Plaintiff Larsen was knocked unconscious by the force of the blow to her head. She was transported to the emergency room at Salt Flats County Hospital, where she regained consciousness more than an hour later.
14. Plaintiff Larsen suffered a serious concussion from the blow to her head. She continues to suffer from post-concussion syndrome months after this incident.

COUNT ONE

15. The Plaintiff hereby adopts and incorporates by reference paragraphs 1 through 14 as if fully set forth herein.
16. At all relevant times, Defendant Shane Perez owed a duty of care toward the Plaintiff to supervise, monitor, regulate, and take all reasonable and appropriate steps to minimize the risk of injury to the Plaintiff from her participation in soccer practices and games.
17. Beginning on Monday, December 3, 2012, and proceeding through Friday, December 7, 2012, Defendant Perez breached his/her duty to Plaintiff by carelessly and negligently

ignoring clear symptoms of concussions which the Plaintiff exhibited throughout that period.

18. Such actions were in clear violation of Utah's "Protection of Athletes With Head Injuries Act."
19. By neglecting to remove Plaintiff Larsen from practices and the College Showcase game until the Plaintiff had been cleared to play by a physician knowledgeable in the diagnosis and treatment of concussions, Defendant Perez put Plaintiff Larsen in harm's way, directly and proximately causing the harm which Plaintiff Larsen suffered from repeated concussive events during the time in question.
20. The Plaintiff has sustained past medical expenses and will incur future medical expenses and costs associated with the concussion and post-concussion syndrome referenced above.
21. The Plaintiff has in the past experienced, continues to experience, and may in the future suffer from an assortment of problems associated with the concussion and post-concussion syndrome, including but not limited to headaches, dizziness, loss of memory, depression, cognitive dysfunction, diminished educational achievement, employment impairment, limitations in physical activities, and loss of the pleasures of life.
22. As a result, the Plaintiff has suffered damages and will, in the future, suffer damages caused by the negligence of Defendant Perez.

COUNT TWO

23. The Plaintiff hereby adopts and incorporates by reference all prior paragraphs of this Complaint as if fully set forth herein.
24. At all relevant times, Defendant Jordan Smith, as the Director of the Strikers Soccer Club, owed a duty of care to Plaintiff Larsen to supervise, educate, monitor, and provide reasonable information and rules to club players, parents, and coaches, to minimize the risk of injury to the players.
25. Defendant Jordan Smith was careless and negligent by breaching the duty of care to players and coaches both generally and in the following particular respects:
 - a. Failing to educate players, parents, and coaches concerning symptoms of a possible concussion;
 - b. Failing to warn of the risk of unreasonable harm or possible long-term complications resulting from repeated concussions;

- c. Failing to implement rules and protocols to adequately address the dangers of repeated concussions and to implement a medically-sound return-to-play policy to minimize long-term chronic cognitive problems;
 - d. Failing to comply with the “Protection of Athletes With Head Injuries Act”; and
 - e. Other acts of negligence or carelessness which may materialize during this civil action.
26. Because of the negligence and breach of duty of Defendant Smith, Plaintiff Larsen has suffered damages and will, in the future, suffer damages as described in the foregoing paragraphs incorporated herein.

COUNT THREE

27. The Plaintiff hereby adopts and incorporates by reference all prior paragraphs of this Complaint as if fully set forth herein.
28. Defendant Strikers Soccer Club, as the organization under which Plaintiff Larsen engaged in the sport of soccer, owed a duty of care to establish reasonable rules and regulations and return-to-play protocols to minimize the risk of injuries to players in the club.
29. By failing to comply with the “Protection of Athletes With Head Injuries Act”, specifically failing to adopt, enforce, and disseminate policies on concussions; failing to establish reasonable rules and regulations to educate players, parents, and coaches about the symptoms and risks of repeated concussions; and failing to establish clear and medically sound policies for safe return-to-play, Strikers Soccer Club breached its duty of care to Plaintiff Larsen.
30. Because of the negligence and breach of duty of Strikers Soccer Club, Plaintiff Larsen has suffered damages and will, in the future, suffer damages as described in the foregoing paragraphs incorporated herein.

WHEREFORE, Plaintiff requests judgment for the following:

- 1. Judgment against Defendants for compensatory damages in an amount to be determined by this Court.
- 2. Payment of the costs resulting from this action to be taxed against the Defendants;

3. Injunctive relief against the Strikers Soccer Club including, but not limited to, requiring the club to: (a) comply with the “Protection of Athletes With Head Injuries Act”; (b) adopt corrective measures including the institution of an annual educational program for players, coaches, and parents regarding the symptoms and treatment of concussions; and (c) implement medically sound return-to-play guidelines for players who have sustained concussions; and
4. Such other and further relief as this Court may deem just and proper.

Respectfully submitted this, the 1st day of August, 2013.

Peyton Craige, Esq.
Peyton Craige, Esq.
Attorney at Law
333 Pine Avenue
Emigration, Utah 13468

**IN THE DISTRICT COURT
SALT FLATS COUNTY, STATE OF UTAH**

MIA LARSEN, a minor,
by and through her parent,

CASEY LARSEN,

Plaintiff,

v.

**SHANE PEREZ, JORDAN SMITH,
and STRIKERS SOCCER CLUB, INC.,**

Defendants.

ANSWER

Case No. 14cv9876

COME NOW the Defendants, SHANE PEREZ, JORDAN SMITH, and STRIKERS SOCCER CLUB, INC., and respond to the Plaintiff's Complaint as follows:

JURISDICTION AND VENUE

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Defendants admit that the aggregate damages claimed by the Plaintiff exceed \$10,000 but deny that the damages are due to negligence on the part of the Defendants. Nonetheless, Defendants do not contest the venue or jurisdiction of Salt Flats County District Court.

FACTS

7. Admitted.
8. Defendants Jordan Smith and Strikers Soccer Club lack sufficient knowledge to form a belief as to the truth of the allegations in paragraph 8, and thus they are denied.
9. Defendants Jordan Smith and Strikers Soccer Club lack sufficient knowledge to form a belief as to the truth of the allegations in paragraph 9, and thus they are denied.
10. Defendants lack sufficient knowledge to form a belief as to the truth of the first allegation in paragraph 10, and thus it is denied. The second allegation is admitted.
11. Defendants Jordan Smith and Strikers Soccer Club lack sufficient knowledge to form a belief as to the truth of the allegations in paragraph 11, and thus they are denied.
12. Admitted.

13. The first allegation is admitted. Defendants lack sufficient knowledge to form a belief as to the truth of the second allegation in paragraph 13, and thus it is denied.
14. Defendants lack sufficient knowledge to form a belief as to the truth of the allegations in paragraph 13, and thus they are denied.

COUNT ONE

15. Defendants' responses to Paragraphs 1 through 14 are incorporated hereby by reference.
16. Admitted.
17. Denied.
18. Denied.
19. Defendants lack sufficient knowledge to form a belief as to the truth of the allegations in paragraph 19, and thus they are denied.
20. Denied.
21. Denied.
22. Denied.

COUNT TWO

23. Defendants' responses to all prior paragraphs of the Complaint are incorporated herein by reference.
24. Admitted.
25. Denied in general and in all statements a. through e.
26. Denied.

COUNT THREE

27. Defendants' responses to all prior paragraphs of the Complaint are incorporated herein by reference.
28. Denied.
29. Denied.
30. Denied.

AFFIRMATIVE DEFENSES

1. Plaintiff's Complaint fails to state a claim upon which relief can be granted.
2. Defendants deny fault in this case.
3. Defendants deny liability for the Plaintiff's injuries.
4. At all times relevant, Defendants exercised reasonable care under all of the circumstances for the Plaintiff.
5. The incident which resulted in the Plaintiff's injuries and damages resulted from independent, intervening, and/or superseding causes or acts, over which Defendants had neither control nor the right to control and for which they are not liable.
6. In the alternative, Defendants assert the defense of comparative negligence. Plaintiff failed to exercise reasonable care for her own safety and, thereby, contributed to her own

injury in one of more of the following ways: (1) by re-entering the soccer game after injuring her head; (2) by failing to notify her coaches or parent of her concussive symptoms after the first incident on December 3, 2012; (3) by intentionally withholding critical health information from her coaches and parent at the 2012 December College Showcase; and (4) in such further ways as may be shown by evidence in this case.

7. Defendants also assert the defense of assumption of the risk. Plaintiff assumed the risk of further injury by: (1) failing to follow the doctor's orders regarding follow-up medical visits after Plaintiff sustained her first concussion in the spring of 2012; (2) intentionally failing to notify her coaches or parent of her concussive symptoms after the first incident on December 3, 2012; (3) re-entering the soccer game after injuring her head again without notifying her coaches of her symptoms; and (4) in such further ways as may be shown by evidence in this case

WHEREFORE, Defendants pray the following from the Court:

1. That Plaintiff Mia Larsen recover nothing from Defendants Shane Perez, Jordan Smith, and Strikers Soccer Club, Inc.;
2. That non-injunctive relief be imposed upon Defendant Strikers Soccer Club, Inc.; and
3. Such other and further relief which the Court may deem just and proper.

Respectfully submitted this, the 30th day of August, 2013.

Gordon Mahoney, Esq.

Gordon Mahoney, Esq.
Attorney at Law
512 Parleys Hill
North Canyon, Utah 12346

**IN THE DISTRICT COURT
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MIA LARSEN, a minor,
by and through her parent,

CASEY LARSEN,

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v.

SHANE PEREZ, JORDAN SMITH,
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Defendants.

Case No. 14cv9876

**AFFIDAVIT OF
CASEY LARSEN**

CASEY LARSEN, having been duly sworn, hereby states the following:

1. My name is Casey Larsen; I am a 42 year-old single parent living in North Canyon, Utah. We were living the American dream. That is, we were until my spouse died eight years ago in a terrible car accident, leaving me to raise our daughter, Mia, alone. It was such a shock. I could hardly function, but I had to pull myself together for Mia's sake.
2. I tried to find things we could do as a family, so I started volunteering with her Brownie scout troop and signed her up for sports camps at the Y. Mia was amazingly fast and very coordinated, and soon she was the star of her basketball, track, and soccer teams. It was great to see her moving past her grief and doing something she loved.
3. At the time of Mia's injury on Friday, December 7, 2012, Mia was 16 and a junior at North Canyon High School. Mia has always been crazy about soccer; she dreamed of playing in the pros like her idols Cindy Parlow and Mia Hamm. So when she made it onto the top competitive soccer team with the Strikers Soccer Club at age 13, Mia was thrilled. She knew that many Strikers players have earned soccer scholarships to college, so it seemed like the first step to reaching her dreams.
4. I had to fill out a pile of paperwork to sign her up, although it surprised me that she wasn't required to get a physical or give any real information about past medical history or injuries; they just wanted to know if she'd had a tetanus shot or suffered from allergies.

5. The club fees are expensive, and then you have all the costs of traveling to tournaments and getting expensive cleats and uniforms. I couldn't afford it all on my salary, so I had to start working a second job in the evenings. But when I saw her joy as she made the North Canyon High School varsity team as a freshman, I felt like the sacrifice was worth it. She even got to wear jersey # 9, just like Mia Hamm. Soon she was starting every game as a forward – a “striker”– and she quickly became the leading scorer.
6. When Mia got her license on her 16th birthday, it was a relief to know she could drive herself to practices and games, and I didn't have to keep asking favors of other parents. But I did arrange my schedule so I could come to really important games, like when we played our school's biggest rival, South Mountain High School, in the first playoff game in early May of 2012.
7. Mia was really excited about the game; she thought North Canyon might defeat South Mountain for the first time ever, and if they could get past South Mountain, maybe they could go all the way to state finals. At halftime we were leading 2-0, and Mia had scored one goal and assisted on the other.
8. But about midway through the second half, Mia collided with a defender when they both went up for a header, and Mia went down hard. She looked woozy when she got up, so her coach, Harper Durant, pulled her out right away. Coach Durant is great; s/he wants to win, but not at any cost.
9. When South Mountain scored, I saw Mia asking to go back in the game, but Coach Durant wouldn't let her. The team managed to hold off South Mountain and won, 2-1! The whole team was jumping up and down with excitement, although Mia mostly stayed still and just hugged her teammates.
10. After the game, Coach Durant told me that I should take Mia to the doctor the next day, since she was still a bit woozy and complaining of a headache. Mia appeared to feel completely fine the next morning, but we went to our physician, Dr. Rick Mueller, first thing anyway. After examining her, he said that Mia had a mild concussion. He told her she needed to rest and avoid strenuous mental and physical activities, including soccer, for a week, when we should come back for a follow-up visit. I still have the instruction sheet he gave us after her visit.
11. Mia rested just as Dr. Mueller ordered. But without her, the school team lost the next playoff game. Mia felt really sad about that, but Coach Durant and all her teammates told her not to worry, they'd have another chance the next year. Since soccer was finished for the season and Mia said she felt fine, we never did go back for the follow-up visit with Dr. Mueller. It just didn't seem necessary since the Strikers club soccer tryouts were a month away.
12. Mia did well in tryouts and stayed on the top Under-17 Strikers team with Coach Michelle Foudy, although some of her good friends got dropped down to the second

- team. When I turned in all of Mia's paperwork, I made sure to write down on the Medical Waiver form that Mia had suffered a concussion in her school game on the line marked "List any unusual health information", since the form does not ask for such information specifically.
13. Mia was really happy when her Strikers club soccer practices started back up. Surprisingly, Mia's team had a new coach, Shane Perez. We were all impressed to hear that Coach Perez had played in college on a full soccer scholarship and had turned down an offer to play in the pros.
 14. As the top team in their Premier division, Mia's Strikers club team was getting lots of attention from college coaches. In fact, the girls were so confident of winning their division that they made team shirts with the slogan, "Strikers soccer: We came, We saw, We conquered." Mia was still the leading scorer, and she was playing her best soccer ever.
 15. Coach Perez stressed hard work and instituted strict rules, and it all seemed to pay off when the team finished the season undefeated. When the team signed up for a college showcase tournament in early December, Mia knew it was her chance to be seen by top college coaches from all across the country: UNC, Notre Dame, Virginia, Wake Forest, and even Stanford and UCLA.
 16. I made sure to work extra evening shifts early in the week of the tournament, so I could watch her play that weekend. I knew how important this opportunity was for Mia; she had to get a scholarship to have any hope of attending a top-tier university.
 17. The tournament was held on the weekend, and I didn't get to talk with Mia very much during the week because of my work. When I saw her for a few moments on Tuesday evening, she did seem kind of quiet and stressed, but I knew she was feeling pressure to do well in the tournament. She was already in bed when I got home from work on Wednesday, and I didn't get to talk with her much on Thursday morning.
 18. On Thursday evening when I got home, she still seemed stressed, so I tried to tell her to relax and play her game, and everything would be fine. She kind of paused and looked at me like she wanted to say something, but then she just said she was going to bed.
 19. On Friday morning, she slept through her alarm, and I had to wake her up for school, which surprised me because Mia was always up before her alarm. I asked if she was getting sick, but she said she was okay; she was just tired from all of the tests she'd had that week. I told her again to relax and said I would meet her at the game that afternoon.
 20. I got an important call right when I was leaving work, so I got to the game after it had already started. I noticed lots of coaches on the sidelines, taking notes on clipboards; I even saw some of them pointing out Mia. Mia was out on the field in her usual

- position of striker, but I noticed she didn't seem to be running as hard as usual. I figured that maybe she was getting sick after all, and I hoped she'd be able to shake it off and play well.
21. With about 10 minutes to go in the first half, Mia tried to head the ball to score on a corner kick, and it looked like she took an elbow to the head. She seemed a bit shaken, and co-captain Megan Cheney even came over to check on her. But Coach Perez didn't seem to care and, in any case, s/he didn't pull Mia out.
 22. Soon it was halftime, with the score tied 0-0. Mia started the second half, and she seemed to be a bit better after the short break for halftime. In fact, she almost scored a goal about 5 minutes in, but the goalkeeper made a great save. About 10 minutes later a teammate passed the ball to Mia right outside the penalty box, and Mia started dribbling toward the goal. All of a sudden a defender made a hard tackle on the ball, and Mia lost her balance and crashed to the ground, hitting her head.
 23. I waited for her to get up, but she just laid there. The referee stopped play immediately, and Coach Perez ran out on the field. Mia still wasn't moving, and next thing I knew, I saw the field marshal and athletic trainer run out on the field. I was in shock, and then I ran out on the field.
 24. Coach Perez said to me, "I'm so sorry, I'm so sorry; I knew Mia wasn't feeling well. I can't believe she got hurt." I saw that Mia was unconscious, and I heard them call for the ambulance, which was at the tournament, to come get Mia and take her to the ER. Of course, I rode with them, although I don't remember much of what went on. All I kept thinking was "please, let her be okay; I can't lose her, too."
 25. At the hospital, the doctors ran tests, and they said Mia had a concussion. She finally woke up about an hour after we got there, but she seemed really "out of it." They kept her overnight for observation, and they talked with both of us about what to watch for and how it might be days or even weeks before Mia fully recovered. They said that in a small percentage of cases, the person can have serious, long-lasting problems.
 26. Of course, we never thought that would happen to Mia, but our worst fears have come true. Mia started having serious migraines a few days after she was discharged. She was incredibly sensitive to light and noise, and she was moody and depressed. She couldn't concentrate and had trouble remembering things.
 27. I kept her out of school since it was almost the winter break, and I hoped she would get better before the new semester started. But she didn't. In fact, she hasn't been able to return to school since the injury. She still has intense headaches, dizziness, and nausea, even though it's over a year later. Because light still bothers her, we have to keep our house dark, with dim blue lights or candlelight. It's so bad that she can't come to testify in court, because the stress is just too much for her.

28. Mia's taking one class online now, but that's all she can handle. She probably won't be able to graduate with her class next spring, and she certainly won't be going to college on a soccer scholarship or playing in the pros. Her life has been completely changed, and the doctors don't know if she'll ever fully recover. And I worry about her future; I mean, you read now about these NFL football players who are getting early dementia, and I wonder, is that going to be Mia? Will she ever go to college or be the person she could have been?
29. I don't fault the game of soccer. Mia loves soccer, and obviously millions of people play it without these types of problems. But I do fault Coach Perez and the Strikers Soccer Club Director, Jordan Smith.
30. After Mia woke up in the hospital, she told me that she took a hard hit to the head in practice on Monday before the tournament, but Coach Perez never did anything about it and certainly didn't inform me about it.
31. Utah even has a law about concussions to make sure young athletes aren't put in danger, but the Strikers Soccer Club didn't even follow the law. I know because Mia and I both had to sign forms about concussions, so Mia could play on her high school team, but we never had to do anything like that for Strikers. Sure, the club talks about good nutrition and all, but playing with a concussion can ruin a player's life.
32. I know I signed a waiver saying I can't hold the club accountable for injuries, but thankfully the judge ruled that the waiver doesn't keep Mia from suing them. And I wrote right on the waiver form that Mia had suffered a concussion at school, so that the Strikers coach would know to keep an eye on her.
33. The Strikers coach and club have a duty to take care of their players, but I think they've forgotten that in their zeal to brag about their winning teams and scholarship-earning players. They should pay for the harm that Mia suffered, harm that was preventable if they'd only had their priorities right. Money can never make things right, but at least it can help us afford all of the therapy and educational support services that Mia will need in the future. Without that, I just don't know what will become of Mia.
34. Of the exhibits in this case, I am familiar with the following: CDC High School Athlete "Fact Sheet"; ACE Evaluation Form and ACE Care Plan for Mia Larsen; North Canyon High School Concussion Information for Student-Athletes & Parents/Legal Custodians; North Canyon High School Concussion Statement for Student-Athletes & Parents/Legal Custodians; and the Strikers Soccer Club Medical Consent/Waiver of Liability and Release.
35. I am not familiar with any other exhibits or affidavits other than my own.

I hereby attest to having read the above statement and swear or affirm it to be my own. I also swear or affirm to the truthfulness of its content. Before giving this statement, I was told it should contain all relevant testimony, and I followed those instructions. I also understand that I can and must update this affidavit if anything new occurs to me until the moment before I testify in this case.

Casey Larsen
Casey Larsen

Subscribed and sworn before me on this, the 23rd of August, 2013.

Beth Zollinger
Beth Zollinger, Notary Public

**IN THE DISTRICT COURT
SALT FLATS COUNTY, STATE OF UTAH**

MIA LARSEN, a minor,
by and through her parent,

CASEY LARSEN,

Plaintiff,

v.

SHANE PEREZ, JORDAN SMITH,
and **STRIKERS SOCCER CLUB, INC.**,

Defendants.

Case No. 14cv9876

**AFFIDAVIT OF
ALEX BECKSTEAD, PhD, AT**

ALEX BECKSTEAD, having been duly sworn, hereby states the following:

1. My name is Dr. Alex Beckstead; I am 45 years old and the Director of the Wasatch Sports Medicine Concussion Research Center. The Center is part of the Department of Exercise and Sport Science at the University of Wasatch, where I am also Department Chair and Mihalik-Marshall Distinguished Professor.
2. For nearly twenty years, my research has focused on the diagnosis and long-term neurological impact of sport-related concussions. More recently, our center also has begun focusing on injury awareness and prevention among youth-athletes. As part of our work at the Center, we offer pre-concussion baseline and post-injury follow-up testing to youth-athletes.
3. I saw Mia Larsen in February of 2013 after her concussion in December of 2012. I became interested in studying concussions about 20 years ago, when I worked as an athletic trainer for a NFL pro-football team. It seemed as though we did not have a good process to determine when players with concussions could safely return to play. So I earned my Master's degree and my PhD in sports medicine, focusing on balance testing as an objective measure to confirm concussions and recovery from concussions.
4. We can never make athletes 100% safe, though; all sports carry some degree of risk. We can only do our best to reduce the risks as much as possible, realizing that some percentage of athletes will continue to get hurt.
5. I suffered a concussion as a high school soccer player myself, and, as an adult, I have had two more concussions, one from a snowboarding accident and another from riding a roller coaster. I know from personal experience that the first concussion puts you at

increased risk for more, and how it takes less force to cause subsequent concussions. Because of all I've seen, you might say I'm on a personal crusade to raise awareness about the devastating impact of multiple concussions.

6. A concussion is a type of mild traumatic brain injury, or TBI, caused by a blow or jolt to the head. Contrary to what many people believe, only 5-10% of concussions involve a loss of consciousness. The injury occurs from acceleration and deceleration forces shaking the brain inside the skull. As the brain attempts to return to normal, any additional physical or cognitive activity can cause symptoms to worsen and even lead to long-term problems.
7. In the last ten to fifteen years, we've begun to realize how serious the long-term effects of repeated concussions can be. Coaches used to encourage players to "tough it out" and get back in the game; continuing to play after getting your "bell rung" was almost a badge of honor. And we used to think that the brains of children and youth were more resilient than adults, so that we were less concerned when a youth suffered a concussion. Now we realize that youthful brains are actually more vulnerable, and it can take youth-athletes longer to recover than adults.
8. Every year, U.S. emergency departments treat more than 120,000 youth aged 10-19 for sports and recreation-related TBIs. The numbers are highest in football and girls' soccer. Because more boys participate in contact sports than do girls, the overall numbers are higher among boys; but when you compare them across similar sports (basketball, soccer, or baseball/softball), girls are twice as likely as boys to suffer from concussions. And some research indicates that females may face more brain swelling and take longer to recover from concussions than males do.
9. Immediately after a blow to the head that causes a concussion, certain signs may be observed. The athlete may appear dazed or stunned; s/he may appear confused about events or slow to respond to questions. S/he might seem clumsy, or lose consciousness briefly. The athlete also might exhibit mood swings or personality changes.
10. It is important for coaches to be alert to these symptoms, because the player might try to stay in the game and shake it off, or beg to be put back in if the coach takes him or her out. Sometimes players deliberately try to hide the injury from their coaches; other times the player just isn't aware of what is happening because s/he is not thinking clearly.
11. We can educate athletes about the symptoms of a concussion, but especially when dealing with youth players, I feel strongly that the real responsibility lies with the adults in the situation: the coaches, athletic trainers, and parents. It is crucial that regular training be provided to all athletic trainers and coaches working with youth in contact sports to make sure that they are aware of the symptoms and proper treatment of concussions.
12. Generally, concussion symptoms fall into four categories. The first category involves difficulty in cognitive activities: concussed individuals may have trouble thinking

clearly, concentrating, or remembering new information; they may feel mentally sluggish, hazy, or foggy. The second category is physical effects: nausea or vomiting (early on), headaches, blurry or double vision, dizziness or balance problems, and sensitivity to light or noise. Affected individuals will say that they have no energy or just “don’t feel right.” Next, concussed individuals can experience changes in mood or emotion: they may be irritable, sad, nervous, or more emotional than usual. Finally, affected individuals can have changes in their sleep patterns: either difficulty in falling asleep, or sleeping more or less than usual.

13. Dr. R. Dawn Comstock at the Center for Injury and Research Policy in Ohio has been collecting data on the reported incidence and symptoms of concussions for high school athletes across the U.S. since the 2005-06 season. Data from 2005-06 through 2010-11 revealed that during a six-year period, an estimated 120,000 concussions were sustained by high school boys’ soccer players nationwide and 170,000 concussions by high school girls’ soccer players. The girls’ concussion numbers were higher even though 10% more boys than girls play high school soccer each year. And these numbers undoubtedly underestimate the true incidence, as they only reflect the concussions which were known to the athletic trainers.
14. Dr. Comstock found that while headaches are the most commonly reported symptom among all athletes – approximately 90% report headaches – boys and girls differ in their exhibition of other symptoms. For instance, more boys than girls experience amnesia (27% versus 14%), loss of consciousness (5% versus 2%), and tinnitus (11% versus 5%). In contrast, girls more often report difficulty in concentrating (55% versus 41%), sensitivity to noise (19% versus 12%), nausea (33% versus 24%), and feelings of drowsiness (34% versus 18%).
15. It is important to be aware of these differences, so we don’t overlook girls who have sustained a concussion. While many people are aware that amnesia or loss of consciousness are symptoms of concussions, complaints of drowsiness or sensitivity to noise may be attributed to busy teen lifestyles rather than recognized as indications of a possible concussion.
16. When an athlete is suspected of having sustained a concussion, it is very important that s/he be removed from play right away and not be allowed to go back in the game that day. The athlete needs to be evaluated by a health-care professional who is knowledgeable about assessing and treating concussions. Diagnosis still largely depends upon observed symptoms and the patient’s report, as CT scans and MRIs appear normal unless the injury is severe enough for intracranial bleeding.
17. Physicians frequently use an “Acute Concussion Evaluation”, or ACE, questionnaire when interviewing a person thought to have sustained a concussion. The ACE notes the characteristics of the injury, patient symptoms, and risk factors, such as previous concussions or a history of headaches that may indicate a full recovery could take longer than normal. After evaluating the patient, the physician should give the individual an “ACE Care Plan” sheet detailing what the patient should and shouldn’t do, and what types of follow-up are recommended.

18. Mia was evaluated using an ACE in May of 2012 after she sustained a concussion while playing on her school soccer team. It would have been important for Mia to tell her future coaches about that concussion; I do not know whether her coaches were ever informed or not.
19. After sustaining her first concussion in the spring of 2012, Mia was at greater risk for a subsequent concussion even with a lesser application of force. It is critically important for organizations involved in youth athletics, whether schools or club sports, to ask incoming players about any past incidents of concussions, so they will know to monitor affected players more closely. Any failure to specifically ask for such information is unthinkable; no responsible club could possibly fail to recognize the importance of such information.
20. Most players who have sustained a mild concussion are symptom-free within a week to ten days, but it takes others much longer to recover. According to the verified data, concussion symptoms resolved within 6 days for 83% of high school boys' soccer players and 75% of high school girls' soccer players, leaving a substantial percentage with symptoms lasting a week or longer. Since adolescent brains are still developing, it is better to err on the side of caution when evaluating return-to-play: "When in doubt, sit them out."
21. Rest is a key part of recovery, and this includes rest from learning and mental stimulation as well as physical rest. Youth-athletes often feel stressed by the need to take time to recover, feeling that they should "work through" their symptoms, so they do not fall behind in their schoolwork or lose athletic fitness. It is very important for coaches, parents, athletes, and school personnel to support the athlete's need to take sufficient time to recover.
22. Researchers have found that it is even more critical to allow sufficient time when an athlete has suffered a repeat concussion. For instance, after a second concussion, a player should sit out for a minimum of two weeks even if the symptoms all clear up within 30 minutes of the incident.
23. An athlete should be completely free of symptoms at rest and have no symptoms with cognitive stress (such as reading or schoolwork) before starting on a gradual progression to return to play. If symptoms return at any point, the athlete must stop and rest; when they are symptom-free, they must return to the previous stage that they completed without symptoms.
24. It is important that the athlete not progress too quickly and that s/he pay careful attention to any recurring symptoms and honestly report those to his or her parent, coach, or athletic trainer. While a coach or athletic trainer can observe symptoms such as poor balance, the athlete must be willing to report other symptoms like difficulty concentrating which the coach cannot see as readily.

25. In my evaluation of Mia Larsen at the Center in February of 2013, I conducted a number of assessments, including computerized cognitive testing, computerized balance testing, clinical cognitive and balance testing, symptom assessment, and an assessment of her history of concussion. All of her test results showed that she was suffering from post-concussive syndrome.
26. During my evaluation, she displayed difficulties with visual and recall memory, slowed information processing, and inattentiveness. She was experiencing ongoing and severe headaches, including migraines; other physical symptoms included poor balance, sensitivity to light and noise, and unusual sleepiness. Mia also reported mood swings, intolerance to stress, and feelings of depression. All of these symptoms made it impossible for her to attend school or take classes online.
27. I evaluated her again in early August, and although her symptoms were marginally improved, she was still unable to tolerate more than one online class for school. Her low tolerance for stress, continuing headaches, and sensitivity to light and noise will certainly decrease the likelihood of her ability to be present in the courtroom.
28. From my assessments and interviews with Mia and Casey Larsen, it appears that Mia may have suffered one concussive event on Monday, December 3, and very likely suffered two concussive events on December 7, 2012. The die was cast when Coach Perez left Mia in the game after the first event on December 7, for the occurrence of a second blow in the same game is almost certainly a key factor in her ongoing and debilitating problems.
29. In the recovery phase, rest and avoidance of a second head injury are imperative because another injury during that period could be catastrophic. If the coach had recognized Mia's symptoms and removed her from the game after the first incident, Mia almost certainly would have received more appropriate and timely care, greatly increasing her chances for a full recovery.
30. Given the seriousness of her condition more than a year after her injury, it is likely that Mia will continue to suffer significant physical and cognitive problems for the rest of her life. It is heartbreaking to know that a young woman with a bright future ahead of her has almost certainly had that future snatched away, all because a soccer club and soccer coach were too blind to see what was right in front of their faces.
31. We have to do whatever it takes to put a stop to this type of tragedy. Utah's passage of the "Protection of Athletes With Head Injuries Act" was a great start; obviously we still have a long way to go in educating coaches, parents, and players.
32. Of the exhibits in this case, I am familiar with the following: ACE Evaluation Form and Care Plan for Mia Larsen; CDC Fact Sheet: "Facts About Concussion and Brain Injury"; Dr. Robert Cantu's "Return to Play Guidelines"; and my own Curriculum Vitae.
33. I am not familiar with any other exhibits or affidavits other than my own.

I hereby attest to having read the above statement and swear or affirm it to be my own. I also swear or affirm to the truthfulness of its content. Before giving this statement, I was told it should contain all relevant testimony, and I followed those instructions. I also understand that I can and must update this affidavit if anything new occurs to me until the moment before I testify in this case.

Alex Beckstead, PhD, AT
Alex Beckstead, PhD, AT

Subscribed and sworn before me on this, the 27th of August, 2013.

Beth Zollinger
Beth Zollinger, Notary Public

**IN THE DISTRICT COURT
SALT FLATS COUNTY, STATE OF UTAH**

MIA LARSEN, a minor,
by and through her parent,

CASEY LARSEN,

Plaintiff,

v.

SHANE PEREZ, JORDAN SMITH,
and **STRIKERS SOCCER CLUB, INC.**,

Defendants.

Case No. 14cv9876

**AFFIDAVIT OF
HARPER DURANT**

HARPER DURANT, having been duly sworn, hereby states the following:

1. My name is Harper Durant; I am 34 years old. I teach Sports Medicine, Health, and P.E. at North Canyon High School in North Canyon, Utah. I also coach the boys' and girls' varsity and JV soccer teams.
2. I've always wanted to coach and teach at the high school level because I love seeing the excitement in the students' eyes when they learn a new concept or skill for the first time. North Canyon High is a great place to work, and we have fantastic community support for all of our programs. When we play our arch-rivals from South Mountain High School in soccer on a Friday night, the bleachers are packed with students and towns people cheering our team on!
3. I've always loved soccer; I played in high school myself and became a FIFA-certified soccer referee to help pay for college. I even earned a scholarship to play soccer at the University of Wasatch, where I majored in Exercise and Sports Science with a minor in Coaching Education.
4. Even before I graduated from college, I began coaching youth soccer part-time at Triad Soccer Club and started attending soccer-coaching courses. I eventually earned my NSCAA (National Soccer Coaches Association of America) Advanced National Coaching Diploma, their second highest certification. It's an intense course, equivalent to a U.S. Soccer Federation D level license.
5. After I earned my Advanced National Diploma, I heard that the Strikers Soccer Club was looking to hire a club Director. Strikers was still very new at that time, and the

position sounded like a great opportunity, maybe the only thing that could have lured me away from teaching at North Canyon High.

6. I applied for the position and thought my interview went well, but Strikers hired Jordan Smith. I couldn't believe it. Sure, Jordan had played pro ball and I hadn't, but other coaches at Triad Soccer Club said that Jordan was too focused on winning without regard to player safety. In fact, they were relieved when Jordan left.
7. I had to agree; I had seen Jordan's angry behavior on the sidelines when his/her team wasn't playing well. On more than one occasion, I saw Jordan kick chairs or trash cans when his/her team was losing, and Jordan often yelled insults at players who made mistakes. I hate to admit it, but I kind of lost my head and posted some nasty comments about Jordan online on a soccer coaches' forum. It wasn't the wisest idea, but I felt pretty strongly that Jordan got the job that should have been mine.
8. I learned a lot about general sport safety and fitness in my college classes and my coaching certification courses. I know that sports injuries can hurt the whole team, so I do everything I can to help our players stay healthy. I make sure they keep rested, hydrated, and eat the right kinds of foods before and after games and practices. A few of them will be able to play ball in college, but most of them won't, so I emphasize that they need to have good grades to stay on the team.
9. When I first started coaching, we didn't learn much about concussions in my training classes; we mostly learned about sprains, strains, hydration, and that sort of thing. But several years ago, I heard in the news about several high school football players who died after suffering a second concussion in a game or practice. I knew soccer players sometimes got repeat concussions.
10. I had a teammate in college who had short-term memory problems and recurring headaches after several concussions, so I started reading all that I could about concussions. We didn't have enough money to hire athletic trainers at North Canyon High School, which made it my job to stay on top of current research in the field.
11. In 2010, I learned about the "Heads Up" concussion awareness initiative of the Centers for Disease Control and Prevention (CDC). The CDC provides a free, online training video for coaches, as well as "Fact Sheets" to give to student-athletes and parents. The information is incredibly helpful; it tells the signs and symptoms of concussions, how to prevent them, and what to do if you suspect an athlete has a concussion. The website even has a guidebook for high school coaches, and clipboard stickers and wallet cards that make it easy to keep the information with you.
12. That fall I began implementing the CDC recommendations at the beginning of the season. I sent home the CDC high school athlete and parent fact sheets with all my students because I wanted to make sure that my players knew not to hide their symptoms or try to play through the pain.

13. I even put up several CDC posters in my office and in the gym, to remind students to take concussions seriously. As those posters say, “When in doubt, get checked out; it’s better to miss one game than the whole season.” Soccer is a great game, but it is just a game; I would never risk a player’s health for a win.
14. In the spring of 2011, Utah passed a law requiring schools and amateur sports organizations to adopt and implement policies to protect athletes who suffer head injuries, including concussions. The new law was called the “Protection of Athletes With Head Injuries Act”, and it was supposed to help protect students from, and inform parents about, concussions and traumatic head injuries, especially the risks associated with continuing to play in a sporting event after sustaining one.
15. All the major newspapers and TV stations had big stories about the bill; anyone who cared at all about sports must have heard about it. It requires all amateur sports organizations in Utah to adopt and enforce a concussion and head injury policy and to provide a copy to every athlete’s parents. Parents even have to sign the form acknowledging that s/he has read, understands, and agrees to abide by the policy. It also requires coaches to immediately remove any child who might have a concussion from play, and the child must obtain medical clearance before s/he can return to play.
16. Obviously at North Canyon High School, we are very supportive of this Act, and we developed our policies and gave copies to our parents right away. I even have the signed copies I gave to Mia and Casey for the 2011-2012 school year.
17. That fall, our boys’ soccer team advanced far into the playoffs, and when the girls’ season began in the spring of 2012, I knew they had the potential to make the playoffs, too. Mia Larsen, a striker and our leading scorer, already had a year of experience on the varsity team since she made the team as a freshman.
18. I had never had a player like Mia; she was fast, had wonderful ball control, could place her shot exactly where she wanted it, and had an intuitive feel for the game. She had an incredible work ethic, and her example inspired the other players. She was well-liked and respected by all of her teammates, even the seniors, and they voted her as a co-captain at the beginning of the spring. I knew that if any of my players had the potential to play in college or the pros, it was Mia.
19. The team, and Mia in particular, certainly lived up to my expectations. We were undefeated going into the playoffs, and our first playoff game was against our arch-rival, South Mountain High School. The whole town was in the bleachers when we faced South Mountain at home in May. We really dominated in the first half; Mia scored a goal and sent a beautiful cross in to get an assist on another goal. I’d never seen the girls play better. With a 2-0 lead at halftime, we were focused and confident going into the second half.
20. But about 20 minutes into the half, Mia collided with a South Mountain player when trying to score on a header. Mia went down and seemed to hit her head on the ground.

She took a minute to get up and looked kind of dazed, so I pulled her out right away. I asked Mia some questions based on my CDC clipboard sticker. She answered my questions slowly, and she said she was feeling foggy. It was clear to me that she might have sustained a concussion, so I told her she would need to sit out for the rest of the game.

21. Ten minutes later South Mountain scored, and Mia begged to go back in, but there was no way I was going to do that. I'd rather lose the game than risk my player's health. South Mountain came close to scoring, but our defenders were great, and we won 2-1. The crowd and all the players went wild, except for Mia. She had a huge grin on her face, but she didn't try to dance around like the other girls.
22. After things calmed down, I spoke with Mia and Casey Larsen and told them she needed to go to a doctor the next day because I suspected she might have a concussion. They both assured me they would do that first thing. When she left that night, Mia said, "Don't worry, Coach; I'll be ready to play the next game on Saturday." I didn't say anything, but I knew that was unlikely.
23. Even if the law hadn't been passed, I still would have wanted to err on the side of caution and would not have let Mia play again without medical clearance. Mia did go to see a doctor the very next day, and s/he reportedly told her she needed to rest for a week and then return to see him/her. Without Mia in the game on Saturday, we lost a close match to the Salt Flats High School team. Of course, Mia and her teammates were disappointed, but I told them we would be even better the next year, and the important thing was that everyone played their best.
24. At the end of May, I learned that there was a cell phone app which helps coaches determine, right on the sidelines, whether a player may have suffered a concussion. The app uses CDC information to give coaches the right questions to ask the athlete, and it even allows the coach to e-mail the information immediately to the player's parents and physician. Of course I got the app for my phone right away; it was well worth the \$4 cost.
25. As a junior that year, Mia didn't have to take P.E. as a required course. Yet she signed up for my Tuesday-Thursday Advanced Personal Fitness class, where students increase their fitness through high-intensity aerobics, circuit training, Tae-Bo, Zumba, and weight training.
26. Mia seemed to enjoy the class and said it gave her a nice break from all of her AP and Honors courses. She always went all-out in class and often encouraged other students who were not as athletic as she was. That's why I remember thinking that she must be getting sick the first week of December when she asked to sit out halfway through our Zumba session on Tuesday. When I asked if she was okay, she said she had a bit of a headache from all of her studying for tests that week.

27. On Thursday she didn't seem any better, so I gave her a pass to go to the library to study instead of sitting around in the gym. She had talked about having a big club soccer tournament that weekend, so I hoped she would recover in time to play.
28. The next Monday I heard that Mia had sustained a serious concussion at the soccer tournament. She has not come back to classes on campus at all since that weekend because of her lasting injuries. I am devastated to hear that Mia, such a promising athlete and student, has suffered such serious long-term problems because of that concussion.
29. I don't know the specifics of her injury, but I do know that if a coach doesn't recognize the symptoms of a concussion and keeps a player who has taken a hard hit in the game, it can lead to problems like this. I was amazed because this is exactly what Utah's law was supposed to prevent.
30. I believe that all coaches are responsible for the safety of their players. The dangerous effects of concussions had been in the news long before Mia was injured in December of 2012, and the CDC materials were readily available online for several years.
31. Any reasonable coach or club who cares about their players would have taken steps to educate themselves and their team families about concussions, even without being required to do so by law. I did it before the Act was passed, because it's just the right thing to do. Tragically, it takes a lawsuit to make some people realize that concussions are no joke, so they need to take their responsibilities seriously.
32. Of the exhibits in this case, I am familiar with the following: CDC High School Athlete "Fact Sheet"; CDC High School Coaches' "Heads Up" Clipboard Sticker; CDC High School Athletes' "Signs and Symptoms Poster"; North Canyon High School Concussion Information for Student-Athletes & Parents/Legal Custodians; and North Canyon High School Concussion Statement for Student-Athletes & Parents/Legal Custodians.
33. I am not familiar with any other exhibits or affidavits other than my own.

I hereby attest to having read the above statement and swear or affirm it to be my own. I also swear or affirm to the truthfulness of its content. Before giving this statement, I was told it should contain all relevant testimony, and I followed those instructions. I also understand that I can and must update this affidavit if anything new occurs to me until the moment before I testify in this case.

Harper Durant
Harper Durant

Subscribed and sworn before me on this, the 27th of August, 2013.

Beth Zollinger
Beth Zollinger, Notary Public

**IN THE DISTRICT COURT
SALT FLATS COUNTY, STATE OF UTAH**

MIA LARSEN, a minor,
by and through her parent,

CASEY LARSEN,

Plaintiff,

v.

SHANE PEREZ, JORDAN SMITH,
and **STRIKERS SOCCER CLUB, INC.**,

Defendants.

Case No. 14cv9876

**AFFIDAVIT OF
SHANE PEREZ**

SHANE PEREZ, having been duly sworn, hereby states the following:

1. My name is Shane Perez; I am 27 years old. In 2009, I began coaching soccer full-time for the Strikers Soccer Club after graduating from Eastminster College in North Canyon, Utah, with a degree in communications. I played soccer at Eastminster on a full scholarship. I also coached part-time at Strikers during my last two years in college.
2. When I graduated, Strikers Soccer Club Director Jordan Smith told me I could coach three teams and go full-time if I wanted, and I could use my communications training to help market the club and update the website. It sounded good to me, and I've been really happy with the decision to work for Strikers. It is the best club in Utah, and lots of its players have gone on to play in college.
3. Before I could start working for Strikers full-time, I had to obtain my National D level soccer coaching license from the U.S. Soccer Federation. USSF is the only organization allowed by the international soccer federation to issue coaching licenses in the U.S.
4. The licensing course was pretty intense; it lasted six days and included classroom instruction, homework, and sessions where we had to plan and lead practices. The course covered learning styles of players, soccer techniques, and soccer tactics. We also had a short session on the care and prevention of injuries, which mostly focused on strains and sprains, broken bones, and heat exhaustion. We barely touched on concussions. To pass the course, I had to pass oral, written, and practical field

evaluations. I think that out of 30 people taking the course with me, only 20 of us earned our National D license without having to repeat the course.

5. After I got my D license, the club moved me up from coaching challenge teams, the lowest competitive level, to coaching three classic level teams. I was glad for the promotion because it meant I got to coach players who were more talented and motivated. Don't get me wrong; I enjoyed the enthusiasm of the challenge-level players, but I felt that my skills were put to better use with the more skilled players.
6. I asked to coach mainly boys' teams, because boys are more focused on the competition and are less into all that social drama. Thankfully, my request was granted, so that's all that I did for the first few years.
7. In early July of 2012, Michelle Foudy, the coach of the Strikers U-17 girls' Premier team, found out that her dad had been diagnosed with cancer and wouldn't live past Christmas. She was devastated and left right away to be with him. Strikers doesn't have assistant coaches for the teams, so the club needed someone to step in and take Michelle's place.
8. Most of the other full-time coaches already had four teams, so when Jordan Smith asked if I were up to the job, I jumped at the chance. It would be my first time coaching girls, but I couldn't turn down an opportunity to coach one of the top teams in the club. I've always gotten along great with my players, so I figured I could handle it.
9. Michelle had evaluated the players at tryouts and picked the maximum of 18 players. They had already turned in all of their paperwork to the club administrator, who had given the team medical forms to the team manager. I didn't ask to look at the forms; I figured I'd get them if a player ever got injured, and we needed to know her insurance information. The team hadn't started practicing yet, so I called a meeting to get to know everyone, and I brought watermelon to help put everyone at ease.
10. Although they were certainly concerned for Coach Foudy, they seemed to accept the coaching change without complaining. When we began holding our regular practices on Mondays, Wednesdays, and Thursdays, I was very impressed by their skills and teamwork. I knew that with a bit of luck, we were going to have a great season. And if the team did well, that would help solidify my reputation in the club, too, so I wanted to make sure I helped the girls to win.
11. The club website has links to great information on sports nutrition and hydration, so I made sure the girls knew what to eat and drink to help them perform their best at practices and games. Strikers also is involved in an "ACL Injury Prevention" study in partnership with Eastminster College. It's a pretty cool program, and it seemed to be working, because none of my players have ever torn their ACL.
12. Coaching girls was different than coaching guys; girls seemed to need more time to socialize. It took some getting used to, and I think I might have come across as a bit stern at first. I always try to treat my players equally and make sure that I maintain a

professional relationship as a coach, not as a friend, and I got the feeling that I was different from Coach Foudy in that respect.

13. The girls were highly motivated to finish the season undefeated, so they could advance from statewide Premier level play to the multi-state Regional Premier division in the next season. At least six of the girls were hoping to earn college scholarships, and they knew that advancing to Regional Premier would get them a lot more exposure to college coaches. So the players worked incredibly hard in practice and really stayed focused.
14. Team co-captain Mia Larsen was a big part of that; she had an incredible work ethic and really set a high standard for the rest of the girls to follow. All of their hard work paid off, and the team won every game in the regular season. Incredibly, all of my players had made it through the season without injury. Mia Larsen was amazing playing as a striker; she scored at least one goal in every game, two goals in two games, and a hat trick (three goals) in one game! She clearly had the potential to play in college and maybe even in the Olympics or the pros.
15. We went on to win the State Cup championship two weeks before Thanksgiving. I knew that the team's success had caught the eye of Jordan Smith, and I figured I would have my pick of teams for the next year. All we had left now was the 2012 December College Showcase tournament.
16. Mia was especially excited about the College Showcase because she knew a lot of the top college coaches were planning to be there. I think several coaches were attending specifically to see Mia, so I wanted to give her as much playing time as I could. College Showcase tournaments are a bit unusual; winning the game isn't the most important thing: being seen is. So players usually don't play quite as roughly as in a typical tournament because they can't play if they get hurt. I figured that since all of my players made it through the season without injury, we were probably home free now.
17. We didn't practice the week after Thanksgiving, but resumed practice the first week in December. During the scrimmage at the end of practice, Mia was tripped, fell, and hit her head on the ground pretty hard. She was slow to get up, and she seemed confused for a moment about where she was. She was also holding on to her head and saying that she felt a little dizzy, so I made her sit out the last 10 minutes while I finished leading practice.
18. As soon as practice ended, Mia headed to her car before I could talk with her. I meant to call and check on her, but it was too late when I got home, and it slipped my mind the next day.
19. Mia e-mailed me on Wednesday to say she had had a big test and couldn't make practice. That was unusual; I think it was the first practice she had missed all season. On Thursday, we just had a light practice since we would be playing the next day; I mainly spent the time reviewing the scouting reports on our opponents.

20. Mia seemed tired and quieter than usual. When I asked her how her test had gone, she acted confused for a moment and then said it went okay. She said she had a bit of a headache from stress and staying up late studying, but she'd be fine by our game the next day. I didn't think much else about it; I could remember pulling all-nighters before important tests and knew it could really wipe you out. I figured she'd rest up that night because I knew how much it meant to her to impress the college coaches.
21. On the first day of the tournament, everyone, including Mia, was excited to get going. We were playing a Triad Soccer Club team that was good but not great; I figured we should be able to put lots of goals on the board. And that would make Jordan Smith happy because Jordan always liked it if we could beat his/her old club. Lots of college coaches were at our field, and I heard several of them mention Mia's name specifically. I wanted to give Mia as much playing time as I could, so they could get a good look at her skills.
22. Mia and the other co-captain, Megan Cheney, led the warm-ups, and I started them in their usual positions at striker and center midfielder. But about 10 minutes into the game, I noticed that Mia wasn't playing as well as usual, so I subbed her out to check on her. She said she was just a little tired still, and she begged to go back in, so she could show the college coaches what she could do.
23. After she drank some water, I subbed her in, and she did play better. She was in a perfect position to score on a header when we got a corner kick near the end of the half, but she sent the ball over the goal. I think she might have gotten jostled by a defender, but the referee didn't call a foul. Mia sort of stood around for a minute looking disgusted that she didn't score, and Megan went over to encourage her. Then Mia jogged back into position, although not with her usual energy and enthusiasm. I didn't think anything of it at the time.
24. The first half ended with the score tied 0-0. The team was playing okay, but not up to its potential, so I got after them at halftime. Sure, winning isn't the most important thing in a College Showcase, but goals are always impressive to college coaches, and we should have been beating that team easily. After I finished, Mia told me, "Don't worry, Coach. I'll get a goal for us", and she ran onto the field.
25. Immediately, Megan came over to me and said, "Coach, I'm concerned about Mia. I know she wants to play, but she just doesn't seem like herself." When I asked Mia if she was okay after she took an elbow on that header, she looked at me blankly and didn't say anything. Megan then said, "Maybe you should pull her and talk to her." Before I could reply, the referee blew his whistle to start the second half, and Megan had to run onto the field.
26. I thought about yelling for a sub to pull Mia out, but she had seemed so eager to get back on the field that I decided to just watch her. Five minutes later Mia sent a rocket toward the goal, but the goalkeeper made an amazing save. Unlucky! Mia seemed back to her usual self, and I knew it was just a matter of time until she would score.

27. Maybe 10 minutes later, a teammate sent a beautiful pass to Mia just outside the penalty box, and Mia took a touch on the ball to get ready to shoot. From out of nowhere, a defender rushed at her and tackled the ball hard, and Mia lost her balance. She didn't even have time to put out her arms to stop her fall, and she hit her head on the ground really hard.
28. The referee was sprinting over blowing his whistle; I figured he would call for a penalty kick, and Mia would get her goal after all. But Mia didn't get up, and she wasn't moving. The referee motioned for me to come out on the field, and when I got there, I saw that Mia's eyes were closed, and it looked like she was unconscious. The field marshal and athletic trainer ran out, too, and they radioed for the ambulance to come and get Mia. Casey Larsen had run out on the field, too, and I said how sorry I was that Mia had gotten hurt and how I was sure she would be okay.
29. After the game ended, I called Casey's cell phone to get an update on Mia. It must have been three hours later before s/he called me back. Casey said that Mia had a serious concussion and that she was going to stay in the hospital overnight for observation. Casey said Mia had mentioned something about hitting her head in practice on Monday, and why didn't I make sure Casey knew about it!?!
30. Casey also told me that Mia had suffered a concussion in the spring on her school team, and I should have known to keep a closer eye on her. That was the first time I had ever heard about a previous concussion! Neither Casey nor Mia had ever mentioned it to me before. After Casey told me that, I looked at Mia's "Medical Waiver" form in the team manager's notebook. I saw that the form mentioned Mia's concussion from the spring.
31. If I had known about Mia's previous concussion, I would have watched her more closely, but I don't know what I could have done differently. I knew she hit her head in practice on that Monday, but players hit their heads in practice all the time. She wasn't knocked out or anything, so I figured she was okay. I mean, when I was playing soccer in college, we just played through the pain; a little dizziness didn't stop me from playing. I've always thought you had to be unconscious to have a concussion.
32. Of the exhibits in this case, I am familiar with the following: Strikers Soccer Club Medical Consent/Waiver of Liability and Release.
33. I am not familiar with any other exhibits or affidavits other than my own.

I hereby attest to having read the above statement and swear or affirm it to be my own. I also swear or affirm to the truthfulness of its content. Before giving this statement, I was told it should contain all relevant testimony, and I followed those instructions. I also understand

that I can and must update this affidavit if anything new occurs to me until the moment before I testify in this case.

Shane Perez
Shane Perez

Subscribed and sworn before me on this, the 27th of August, 2013.

Beth Zollinger
Beth Zollinger, Notary Public

**IN THE DISTRICT COURT
SALT FLATS COUNTY, STATE OF UTAH**

MIA LARSEN, a minor,
by and through her parent,

CASEY LARSEN,

Plaintiff,

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SHANE PEREZ, JORDAN SMITH,
and **STRIKERS SOCCER CLUB, INC.**,

Defendants.

Case No. 14cv9876

**AFFIDAVIT OF
JORDAN SMITH**

JORDAN SMITH, having been duly sworn, hereby states the following:

1. My name is Jordan Smith. I am 39 years old and have been the Director of the Strikers Soccer Club since 2006. I attended Eastminster College on a soccer scholarship and started at center back (defender) all four years. I earned my Bachelor's degree in Sport Administration in 1995, which included coursework in sport marketing, statistics, finance, licensing, facility and event management, and community relations.
2. After I graduated, I played professionally for a few years with Utopia United before coming back home to Utah in 1998. I put all my knowledge to use by coaching youth soccer part-time at Triad Soccer Club while working as the Director of the Parks and Recreation Department in South Solitude.
3. In 2004, I became the fulltime Director of Player Development for the Under-15 through Under-18 year-old teams at Triad, but I soon realized that I disagreed with the Triad Board of Directors over their coaching philosophy. The Triad teams were under performing, in my opinion; they should have been winning State Cup championships with the talented players in the club. When I was offered a position at Strikers, I was happy to leave Triad.
4. Strikers was the new kid on the block back then; the club had only been in existence since 2005 and was still trying to prove itself. I knew that Strikers could gain respect from other clubs by producing players who earned college scholarships, so I set high standards for my coaches.

5. I insisted that all of my classic level coaches must have played in college, so they could demonstrate correct soccer techniques and understand how to compete at a high level. I had earned my National C level coaching license, and I required my coaches to earn a National D license or higher (an A license is the highest). The certification courses are rigorous, covering how to teach soccer techniques and tactics and including a short session on first aid. I knew that requiring my coaches to obtain their National D license would make sure that they not only knew how to *play* soccer, they would also learn how to *coach* soccer.
6. Under my leadership, Strikers Soccer Club has excelled. We are now the third largest club in the state, and every year about a dozen of our players earn college soccer scholarships. We have twenty classic boys' and girls' teams in the Under-15 to Under-18 age groups, eight of which are at the highest Premier level of play. All of our Premier teams attend at least three tournaments every year in addition to the State Cup championship, and our club office is full of their trophies. Between our recreational, challenge, and classic teams, we have over 1,000 athletes playing soccer at Strikers.
7. In order to get qualified coaches, I have to pay them appropriately, so club fees for the classic players are not cheap. For the high school age players who only play club ball in the high school off-season, club fees are \$1,000 per year, plus a \$250 registration fee, plus \$250 for the uniform, plus the cost of attending tournaments. Altogether it probably costs \$3,000 per year for players on the top classic teams. Our fees are in line with the other clubs in the state, and we do have some scholarship money available for players who can demonstrate a need.
8. Each team has one paid coach and a volunteer manager; we do not have money for paid assistant coaches or athletic trainers. We are not unusual in our lack of trainers; only the largest soccer club in Utah has an athletic trainer on staff. However, we do have an association with the sports medicine department at Eastminster College. The college provides athletic trainers at our club-hosted tournaments, and we refer players who need services to their trainers and physical therapists. It's a great arrangement; the sports medicine students at Eastminster College get hands-on experience, and we get services for free.
9. Our players' health and safety are very important to us. We emphasize health and injury prevention in our club because I know from personal experience what a difference good health habits can make. Both in college and in the pros, I had coaches who were fanatics about proper nutrition before and after games and practices. So we have links on our website to lots of information about hydration, pre-game and post-game meals, and how to eat right when traveling to tournaments.
10. We also remind the players that proper rest is important, for a tired player is at increased risk of injury. When I checked last summer, I found that fewer than half of the soccer clubs in the state have any kind of nutrition or hydration information posted on their website, much less any additional information on injury prevention.

11. To show our dedication to our players' safety, just look at our Anterior Cruciate Ligament (or ACL) Injury Prevention Project in partnership with Eastminster College. We're the only soccer club in the state that is involved in this type of research project.
12. Sports medicine grad students at Eastminster College work with our boys' and girls' classic teams to help them learn how to move and jump correctly to prevent knee injuries caused by ACL tears. The program seems to be working; our players show improvement at the end of the season, and they have lower rates of ACL injuries than many other clubs in the state. So it's crazy to say that our club isn't concerned about injury prevention and player safety.
13. It's true that we don't have any information or links on our website about concussions, although we are planning to add that before the fall season of 2014. I had always thought that serious injuries from concussions happened only to football players or boxers. I think there might have been some articles about concussions in my coaching magazines a few years ago, but I didn't read them very closely because I was setting up our ACL Injury Prevention Study at the time.
14. When I was playing soccer, the big concern for soccer players was always torn ACLs or broken bones. Sure, I suffered one concussion when I played professionally, and several of my teammates had concussions. But we all stayed in the game or went back in the very next game, and none of us had any problems. According to the US Youth Soccer Association (USYS), over 3 million youth soccer players are registered to play across the U.S., so if concussions were such a big problem, you'd expect to hear about it all the time.
15. Back in 2010 and early 2011, I was not aware of any information about concussions on the USYS or U.S. Soccer Federation (USSF) sites. If it was on there, it wasn't immediately obvious. After Mia was injured, I did a specific search on the USYS site and found concussion protocol and notification forms that were posted a couple years ago, but they seemed like they were intended to only be used in USYS Regional and National tournaments. But I did not know about them at that time. I was not familiar with the "Protection of Athletes With Head Injuries Act" at all until I saw Mia's lawsuit.
16. I have heard of the CDC, but I thought they mainly tried to track down the causes of disease epidemics. I do remember seeing some free "Heads Up" concussion kits for coaches at a Triad Soccer Club tournament in November of 2010. I couldn't pick one up because my hands were full at the time, and I forgot to go back later to get one. I don't think any of our coaches got them, either; at least, no one told me about getting one.
17. I was at the 2012 December College Showcase tournament when Mia was injured; my own classic Premier boys' team had just finished playing right before. Shane Perez's team took the field to play a Triad team. I always coach at least two teams every year just to keep my skills sharp, and all of my coaching directors are required to do the same.

18. I was excited to watch Shane Perez's team in action, and I knew Shane had several players who were good enough to play in college, including Mia Larsen. I figured Mia might be able to score a hat trick against this Triad team. Lots of college coaches were on the sidelines as I arrived, so I asked the score and was told it was 0-0 at the half. I heard a couple of coaches saying that they weren't impressed by Mia Larsen; she hadn't been working very hard at all in the first half. I was surprised to hear that because Mia was probably Shane's best player.
19. Mia looked a bit uncoordinated to start the second half, and she wasn't playing with her usual intensity. But then she took a great shot a few minutes later, which was barely saved by the opposing keeper. I figured she'd soon show those college coaches what she could do. Coach Perez's halftime talk must have been inspiring, because several of Mia's teammates were playing better than I'd ever seen them play before.
20. I was glad to hear the coaches say that maybe it had been worth the trip to come watch the team after all. Keeping those college coaches happy is good for them and good for Strikers, too.
21. But Mia still wasn't running with her usual speed, and she looked a bit confused at times, like she wasn't sure where to go or what to do. I started wondering if she was sick or something. Then one of her teammates sent her a great pass about 20 yards out from the goal, and Mia started dribbling the ball into the penalty area. The only person between Mia and the goal was the keeper, and, with Mia, that was practically a guaranteed goal.
22. Then a defender came out of nowhere from the side and tackled the ball hard, and Mia went flying. She crashed to the ground, landing hard on her head. The referee sprinted in, blasting on his whistle, and I waited for Mia to get up and score the penalty kick. But she didn't move, and next thing I knew, Shane, the Eastminster College athletic trainer, and the field marshal were all on the field, huddled around Mia.
23. I was shocked and must admit I stood there, frozen, not sure if I should join them or keep out of the way. I don't have any medical training and figured I couldn't really help, so I stayed on the sidelines. The ambulance at the soccer complex soon arrived and took Mia to the hospital. I called Shane that night to see if s/he had heard anything, and Shane told me that Mia had suffered a serious concussion.
24. I'm very sorry that Mia was injured that day, and even more sorry that she continues to have problems so long afterward. Mia is a terrific young woman, and, of course, I would never want her, or any other player, to be hurt badly from playing soccer. What happened to Mia seems like a freak accident to me.
25. After all this happened, I checked out the statistics on high school sport-related concussions from Dr. Dawn Comstock at Ohio State. Dr. Comstock gathers data on the rate of concussions per 10,000 athlete-exposures. She found that for every 10,000 high school girls competing in soccer matches on any given day in the U.S. during the 2006

through 2010 seasons, at least eight sustained a concussion, and the vast majority didn't involve a loss of consciousness.

26. It's clear that serious concussions like Mia's are certainly not a common occurrence, although I guess when you consider how many high school girls play soccer across the country, it can add up.
27. Looking back at all that has happened, I just don't know what Shane or I could have done to prevent Mia's injury. Strikers wasn't educating our coaches about concussions at that time, but as far as I know, Triad Soccer Club was the only club in Utah handing out those "Heads Up" kits to coaches. Of course, coaches from all over Utah and even other states were at that tournament.
28. Evidently the CDC started publishing their "Heads Up" materials on their website in 2010, but the USYS and USSF didn't make an effort to publicize it to all the state associations at that time, as far as I know.
29. I know now that the "Protection of Athletes With Head Injuries Act" was passed in March of 2011. If I knew about the law, we would have complied with it, but thankfully my lawyer told me that the law specifically says that we cannot be sued because we did not comply with it. But I promise, we're definitely going to comply with it now, by creating policies and forms, and educating our coaches and club families about concussions.
30. I certainly hope that Mia continues to get better and has a full recovery, and I understand that Mia and Casey Larsen are upset about what happened. But I don't think it's reasonable to sue us for Mia's injuries when we have always tried to educate our players about health, good nutrition, and injury prevention.
31. The waiver even explains to everyone that soccer is a contact sport, and serious injuries can occur. It also says to contact us immediately if you have any injury or illness that might affect your participation. If we only cared about winning, would we have gone to all of that trouble?
32. Of the exhibits in this case, I am familiar with the following: Strikers Soccer Club Medical Consent/Waiver of Liability and Release; USYS Concussion Procedure and Protocol; and USYS Possible Concussion Notification.
33. I am not familiar with any other exhibits or affidavits other than my own.

I hereby attest to having read the above statement and swear or affirm it to be my own. I also swear or affirm to the truthfulness of its content. Before giving this statement, I was told

it should contain all relevant testimony, and I followed those instructions. I also understand that I can and must update this affidavit if anything new occurs to me until the moment before I testify in this case.

Jordan Smith

Jordan Smith

Subscribed and sworn before me on this, the 27th of August, 2013.

Beth Zollinger

Beth Zollinger, Notary Public

**IN THE DISTRICT COURT
SALT FLATS COUNTY, STATE OF UTAH**

MIA LARSEN, a minor,
by and through her parent,

CASEY LARSEN,

Plaintiff,

v.

SHANE PEREZ, JORDAN SMITH,
and **STRIKERS SOCCER CLUB, INC.**,

Defendants.

Case No. 14cv9876

**AFFIDAVIT OF
CHRIS HELU**

CHRIS HELU, having been duly sworn, hereby states the following:

1. My name is Chris Helu; I'm a senior at North Canyon High School and a classmate of Mia Larsen's. At least, we used to be classmates until Mia was injured and couldn't come to class on campus anymore. I've been friends with Mia since middle school when we both ran track. Mia used to say that track made her run fast, which helped her with soccer.
2. She was always crazy about soccer, talking about her heroes Cindy Parlow and Mia Hamm and saying how she wanted to win an Olympic medal and play in the pros like them. I'd listen to Mia go on and on about soccer, and she'd listen to me rave about basketball. She's a good friend that way, always listening to the other person and caring about what they care about.
3. That's one reason why everyone at North Canyon High School loved Mia. She didn't care if you were a jock or a geek or a slacker, she could find a way to be your friend. So it's killing me to be testifying for the defense. But I promised to tell the truth when I was called to testify, and that's what I'm gonna do.
4. When we started at North Canyon High School, we both focused on our favorite sports. As I said, Mia made the varsity soccer team her freshman year, while I played JV basketball the first two years before I moved up. We had a lot of AP classes together, though Mia was really smart and in the running for valedictorian before her injury. We used to study AP U.S. History, AP English, and AP Chemistry together. Mia was awesome in the social sciences, and I was pretty good in science and math, so we were good study partners.

5. We were also in the Key Club together, and we had a lot of fun working on service projects in North Canyon. In early February of 2012, Mia even organized a free soccer clinic for underprivileged kids in the community and got a lot of her school teammates to come. After that, many of them joined the Key Club, and I got to know them pretty well. Soon a group of us started going to the movies or hanging out at the mall nearly every weekend if we could.
6. Five or six of her teammates were on both the Strikers Club and North Canyon High School teams with Mia, and it was interesting to hear them talk about their different coaches. North Canyon High School does a great job of hiring coaches who care about their players as people; my basketball coaches are awesome! Mia and her school teammates love Coach Durant; they said Coach Durant has legit credentials and pushes them in practice, but also emphasizes the importance of keeping school first and staying healthy.
7. I took an Advanced Personal Fitness class under Coach Durant in the fall of my junior year, and I can see why Mia and the other players are so impressed. Coach Durant taught me a ton of stuff about nutrition, health, and preventing injuries in addition to helping me stay fit in the off-season.
8. Mia and her Strikers Club soccer teammates really like Coach Perez, too. They said Coach Perez played in college and had the chance to go pro, but turned it down in order to coach at Strikers. I've never met Coach Perez, but all of the players have only positive things to say about the soccer skills they've learned from him/her.
9. They have mentioned that Coach Perez is more serious and less of a friend than Coach Durant, but they seem okay with that. They know that winning games is lots more important on a club team because the reputation of the club is at stake; that's the whole purpose of its existence, to win games and get college scholarships for its players.
10. They said that everyone knows that Coach Perez expects a lot of the players and will bench them for being late to practice or pull them out if they're having a bad game, but that s/he does it to make them work harder and give them a better chance of getting a scholarship.
11. However, several members of the Key Club who were no longer on the top Strikers team with Mia would complain that the club was too ruthless and too quick to demote players who were having a bad day. I remember Mia being very upset after tryouts in late May of 2012 because her best friend got dropped down onto the second team. Mia said her friend was sick during tryouts and didn't do as well as normal, so she got demoted even though she had been one of the best players the previous year.
12. Mia said she overheard the club director, Jordan Smith, saying that s/he didn't care if the player was sick; if she couldn't tough it out and do better than that in tryouts, she'd be useless in tough games, too. I clearly remember Mia saying, "If the club

would do that to her, would they do it to me if I had a bad day?” I told Mia she was crazy to worry about it; no way would they demote Mia.

13. But I could see that it really worried her, and it didn't just worry Mia. Three or four of the other Strikers players nodded their heads and said that it shocked them, too. Some of the joy of the game seemed to drain out of Mia after that, and she often looked a bit worried in the fall if she thought she might be getting sick before a game.
14. I knew Mia was looking at several top schools: Stanford, Virginia, UNC, and Notre Dame, and she was hoping she had the grades to get accepted and would earn soccer scholarships, so she could afford to go. It could be pretty stressful to maintain top grades and keep playing sports at a high level, too.
15. The way our classes were structured, we all had a bunch of big tests the week right after Thanksgiving. You'd think the teachers would give us a break over the holiday, but that's not how it works. So in between stuffing myself with turkey and playing with my younger cousins, I tried to study for exams.
16. I was glad when Mia called me on Saturday afternoon to ask if I wanted to go to a movie with the Key Club bunch. Of course, I jumped at the chance and even suggested we meet at Moonbucks beforehand. When I arrived at Moonbucks, Mia was already there along with five other Key Club members, all of them Strikers players.
17. I knew I was in for a lot of soccer gossip, but it beat talking about dinosaurs with my cousins. The others were excited because the big College Showcase tournament was only a week away. Mia said she had heard that coaches from all the schools she cared about were going to be there, so she wanted to do her best. She said she was looking forward to practice that week because she knew it would help her be prepared when the games started on Friday. They all chatted about soccer some more, and we all complained about our big tests, and then we went and enjoyed our movie.
18. On Monday, we had our Honors Pre-Calc exam, and both Mia and I felt like we had aced it. One down, three more to go! Mia said she was glad for the chance to run around at practice that night to blow off some steam. But Tuesday when she got to our Advanced Personal Fitness class, she seemed different, quieter than usual and kind of down.
19. I asked her what was wrong, and at first she said, “Nothing; nothing's wrong.” But when she looked uncoordinated in Zumba and asked to sit out part-way through, I asked her again. She told me she had a bit of a headache and asked if I had any medicine, so I gave her some Tylenol.
20. When we were walking to AP Chemistry after Zumba, I asked Mia if she was feeling any better. She said, “No, not really.” When I asked her if the headache came from

the stress of all our tests, she said, “Maybe that’s part of it, but mostly I think it’s because I tripped in practice last night and hit my head really hard when I fell. Do you remember the concussion I got last spring in the school game? I’m feeling a bit like I did then, sort of woozy and out of it. I started getting the headache last night.”

21. I asked her if she told her mom or anyone about hitting her head, and she said, “Are you kidding? If I did, they wouldn’t let me play in the Showcase. I *have* to play in the Showcase; it’s my big chance. You know I can’t afford college without a scholarship. Promise you won’t tell anyone about this!”
22. I must have looked concerned because I was; I’d read the posters Coach Durant had posted in the gym, so she grabbed my arm hard and said, “Chris, I mean it! Promise me you won’t tell anyone!! Not anyone!!!” Reluctantly, I promised.
23. After the AP Chem exam, Mia rushed right out before I could speak with her again. I tried calling her that evening to check on her because I knew she didn’t have soccer practice, but she didn’t answer her phone or my texts. We didn’t have any classes together on Wednesday, so the next time I saw her was in APF class on Thursday. But as soon as she got there, I saw her talking with Coach Durant, and next thing I knew, Coach Durant gave Mia a library pass, and Mia left.
24. I thought about saying something to Coach Durant, but I didn’t want to rat Mia out. And anyway, I wasn’t positive of the reason why she left class, so I didn’t want to cost her a chance to play if she was feeling better. I figured she knew what to look out for since she’d had a concussion before, and I tried to put it out of my mind.
25. Mia avoided looking at me in AP Chemistry class, and she rushed out the door as soon as class was finished. On Friday, she looked pretty groggy when she got to AP World History, and she kept rubbing her head during the exam. I tried to talk with her on the way out the door, but she just glared at me and said, “Remember your promise!”
26. Against my better judgment, I kept quiet. I should have told Coach Durant or called Ms. Larsen, but I thought that a friend wouldn’t tattle like that. Now I have to live with knowing that if I’d told someone, maybe Mia wouldn’t have played, and maybe she’d still be okay.
27. From the way she acted, I’m sure she suspected she had gotten a concussion. And given the look in her eyes and the way she grabbed my arm when she made me promise to keep silent, I am positive she tried to hide it from Coach Perez and Ms. Larsen. But I knew, and I should have done something about it.
28. I feel truly awful that Mia is injured, and I hope nothing like this ever happens to any other athlete, anywhere. A couple years ago, I remember a bunch of news stories about athletes who got seriously injured or even died after suffering repeat

concussions. It was so shocking; it was all over the TV stations and newspapers for weeks. I never dreamed something like that could happen to one of my close friends!

29. But it still doesn't seem fair to hold Coach Perez or the soccer club responsible. I've never met either Coach Perez or Jordan Smith. But I do think that if Mia was able to hide her symptoms from Ms. Larsen, how could anyone expect Coach Perez or Jordan Smith to know?
30. Of the exhibits in this case, I am only familiar with the CDC High School Athletes' "Signs and Symptoms" Poster. I am not familiar with any other exhibits or affidavits other than my own.

I hereby attest to having read the above statement and swear or affirm it to be my own. I also swear or affirm to the truthfulness of its content. Before giving this statement, I was told it should contain all relevant testimony, and I followed those instructions. I also understand that I can and must update this affidavit if anything new occurs to me until the moment before I testify in this case.

Chris Helu
Chris Helu

Subscribed and sworn before me on this, the 27th of August, 2013.

Beth Zollinger
Beth Zollinger, Notary Public

EXHIBITS