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DMC Obtains Defense Verdict in Concussion Case

At the conclusion of a three-week trial in the Court of Common Pleas of Allegheny County, Pennsylvania, after only two hours of deliberation, a jury agreed with the West Mifflin Area School District and two athletic governing bodies that neither were responsible for mental health problems stemming from a concussion suffered 13 years ago by a former high school football player.

Plaintiff, Shane Skillpa, sought \$5 million in damages due to complications from a concussion in 2009 after a helmet-to-helmet hit caused a screw that holds the facemask to the helmet to come out, and he fell backward hitting his head on the turf. According to Skillpa, that hit, combined with additional contact during subsequent practices, led to short-term memory loss, fatigue, depression, and anxiety. Dr. Bennet Omalu, recognized, by some, to be a concussion expert, testified that Skillpa suffered from Traumatic Encephalopathy Syndrome (TES) and Chronic Traumatic Encephalopathy (CTE).

Skillpa blamed West Mifflin's coaches for allowing him to continue practicing rather than removing him from play until he was cleared. Skillpa did not receive treatment until several days later, at the insistence of his mother. Skillpa was in concussion treatment for a number of months in a two-year period.

"Mr. Skillpa was obviously injured," said attorney Joseph L. Luvara who, along with Maria V. Carr (both of Dickie, McCamey & Chilcote, P.C.), represented West Mifflin Area School District. "That was never a contested fact in this case. The issue was, was it anybody's fault?"

The jury answered that question with a resounding "no."

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