

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

**RUSS MCCULLOUGH, RYAN SAKODA,
and MATTHEW ROBERT WIESE,
individually and on behalf of all others
similarly situated,**

Plaintiffs,

v.

**WORLD WRESTLING
ENTERTAINMENT, INC.,**

Defendant.

**CIVIL ACTION NO.
3:15-cv-001074 (VLB)
Lead Case**

**EVAN SINGLETON and VITO
LOGRASSO,**

Plaintiffs,

v.

**WORLD WRESTLING
ENTERTAINMENT, INC.,**

Defendant.

**CIVIL ACTION NO.
3:15-CV-00425 (VLB)
Consolidated Case**

ORAL ARGUMENT REQUESTED

**SURREPLY BRIEF IN OPPOSITION TO WWE’S REPLY TO
PLAINTIFFS’ RESPONSE IN OPPOSITION TO WWE’S MOTION FOR FEES**

Plaintiffs Evan Singleton and Vito Lograsso hereby respond to Defendant World Wrestling Entertainment, Inc.’s (“WWE”) Reply to Plaintiffs’ Response in Opposition to WWE’s Motion for Fees as WWE’s gratuitous inclusion of factual allegations in a motion for fees was intended to skew the record on any potential appeal and to further taint the Court’s perception of Plaintiffs’ Counsel.

In its Reply to Plaintiffs’ requests to the Court to strike or reduce the grossly excessive fees, WWE makes factual assertions about Plaintiff Evan

Singleton. The assertions, like most of WWE's Motion, are not relevant to the reasonableness of the attorneys' fees being sought but do demonstrate WWE's continued manipulation of the nature of the claims asserted.

The claims brought by Mr. Singleton related to his head injuries suffered while training and performing for WWE. These injuries resulted in brain damage and residual neurological effects including mood swings, suicidal tendencies, "black-out" or "white-out" periods, light sensitivity, and other debilitating and life-altering symptoms.

Mr. Singleton's decision to compete in strongmen competitions in no way evidences his claims were brought in bad faith or were a "fraud on the Court". In fact, the reality is Mr. Singleton's facts demonstrate the direness of his and each of the consolidated Plaintiffs' claims.

Mr. Singleton was recently hospitalized for attempted suicide. A known manifestation of the long-term neurological injuries WWE performances cause, Mr. Singleton's life-long injuries do not necessarily prevent him from working or bodybuilding, but do require constant medical monitoring, care, and treatment.

In the years since Mr. Singleton, now age 25, commenced his lawsuit against his former employer, he has sought gainful employment as a forklift operator. Unfortunately, he struggles with the after-effects of his traumatic brain injury suffered during a WWE-controlled exercise. This reality became starkly clear when on November 21, 2017, Mr. Singleton was found on a bridge in Pennsylvania contemplating suicide. The bridge was closed to traffic, the police

were called, and Mr. Singleton was transferred to a psychiatric hospital where he was admitted inpatient for three days.

His records reflect Mr. Singleton reported feelings of “hopelessness, and helplessness,” and “suicidal ideations.” These symptoms are not unique to Mr. Singleton in the consolidated cases, but WWE did choose to attack him personally for his attempt at making a better life despite his ever-present neurological struggles.

This is not an isolated event. On June 1, 2018, another former client of Mr. Kyros, a 52-year-old wrestler (who resided in Pennsylvania not far from Mr. Singleton) and who had performed in WWF, WCW and ECW events named Charles Donnelly Williams (Rockin’ Rebel), was identified by police as having shot and killed his wife before he killed himself in an apparent murder suicide. His brain tissue is currently being studied for signs of CTE.

This tragedy echoes that of former WWE star Christopher Benoit who was diagnosed with CTE after killing his wife and son before hanging himself. Experts studying the issue of Benoit’s wrestling induced head trauma linked his violent behavior to his actions. The Williams tragedy like that of Benoit was ignored by WWE which chooses instead to spend its vast resources attacking the credibility of Mr. Kyros.

Plaintiffs’ Counsel strongly believes in Mr. Singleton’s case, Mr. Lograsso’s case, and each of the Plaintiffs’ cases in the consolidated actions. The injuries are real, the damages are permanent and life-long, and WWE should be ashamed that it purportedly spent \$176,486.74 litigating the propriety of these Plaintiffs’

claims through sanctions when the wrestlers are so obviously suffering the dramatic effects of neurological injuries caused from its dangerous performances. Plaintiffs' Counsel brought these claims in good faith and continues to fight for former WWE performers' rights in the consolidated cases. Our conscience would permit nothing less.

Dated: September 14, 2018.

Respectfully Submitted,

/s/ Konstantine Kyros

Konstantine W. Kyros

Bar No. ct30132

Anthony M. Norris

KYROS LAW OFFICES

17 Miles Rd.

Hingham, MA 02043

Telephone: (800) 934-2921

Facsimile: 617-583-1905

kon@kyroslaw.com

anorris@kyroslaw.com

Charles J. LaDuca

CUNEO GILBERT & LADUCA, LLP

8120 Woodmont Avenue, Suite 810

Bethesda, MD 20814

Telephone: (202) 789-3960

Facsimile: (202) 789-1813

charles@cuneolaw.com

Michael J. Flannery

CUNEO GILBERT & LADUCA, LLP

7733 Forsyth Boulevard, Suite 1675

St. Louis, MO 63105

Telephone: (314) 226-1015

Facsimile: (202) 789-1813

mflannery@cuneolaw.com

William M. Bloss

Federal Bar No: CT01008

KOSKOFF, KOSKOFF & BIEDER

350 Fairfield Avenue

**Bridgeport, CT 06604
Telephone: 203-336-4421
Facsimile: 203-368-3244**

**Robert K. Shelquist
Scott Moriarity
LOCKRIDGE GRINDAL NAUEN P.L.L.P.
100 Washington Ave., S., Suite 2200
Minneapolis, MN 55401-2179
Telephone: (612) 339-6900
Facsimile: (612) 339-0981
rkshelquist@locklaw.com
samoriarity@locklaw.com**

**Harris L. Pogust, Esquire
Pogust Braslow & Millrood, LLC
Eight Tower Bridge
161 Washington Street Suite 940
Conshohocken, PA 19428
Telephone: (610) 941-4204
Facsimile: (610) 941-4245
hpogust@pbmattorneys.com**

**Erica Mirabella
CT Fed. Bar #: phv07432
MIRABELLA LAW LLC
132 Boylston Street, 5th Floor
Boston, MA 02116
Telephone: 617-580-8270
Facsimile: 617-580-8270
Erica@mirabellaLLC.com**

Attorneys for Plaintiffs.

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of September, 2018, a copy of the foregoing was served via this Court's electronic case filing system.

/s/ Konstantine Kyros

Konstantine Kyros