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Aug 20 2026

STATE OF SOUTH CAROLINA

ROBERT GEATHERS AND DEBRA
GEATHERS

APPLICANT

NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION

DEFENDANT

Submitted by: COURT

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

This matter came before the Court on September 18, 2025 for a hearing on Plaintiff's and Defendant's motions in limine. The Defendant, National Collegiate Athletic Association, was present and represented by John E. Cuttino, Esq., C. Bradley Hutto, Esq., Lewis Schlossberg, Esq., and Andrew K. Fletcher, Esq. The Plaintiff's Robert and Debra Geathers were present represented by John D. Kassel, and David Langfitt, Esq. The Court finds as follows:

Plaintiff's motions in limine (MIL) are numerous and diverse. The Court will address each motion in turn:

- (A) Plaintiff's MIL #1: Plaintiff's first MIL seeks to exclude evidence of Mr. Geather's alleged negligence. Upon review of the records, the Court finds that evidence of Mr. Geather's alleged negligence may be alluded to at trial. Accordingly, the Court denies Plaintiff's MIL #1.
- (B) Plaintiff's MIL #2: Plaintiff's second MIL seeks to exclude evidence that Mr. Geather's assumed the risk of injury. Upon review of the records, the Court finds that the assumption of risk is a valid defense that can be argued at trial. Accordingly, the Court denies Plaintiff's MIL #2.

- (C) Plaintiff's MIL #3: Plaintiff's third MIL seeks to exclude evidence that Mr. Geathers smoked or otherwise used tobacco. Upon review of the records, the Court finds that there is insufficient evidence of Plaintiff's tobacco use to warrant introduction at trial. Accordingly, the Court grants Plaintiff's MIL #3.
- (D) Plaintiff's MIL #4: Plaintiff's fourth MIL seeks to exclude evidence that Mr. Geathers abused alcohol. The defense does not oppose this motion. Accordingly, the Court grants Plaintiff's MIL #4.
- (E) Plaintiff's MIL #5: Plaintiff's fifth MIL seeks to exclude evidence that Mr. Geathers abused drugs. The defense does not oppose this motion. Accordingly, the Court grants Plaintiff's MIL #5.
- (F) Plaintiff's MIL #6: Plaintiff's sixth MIL seeks to exclude evidence of Plaintiff's, Plaintiff's family members, or other witnesses' prior bad acts. The defense does not oppose this motion. Accordingly, the Court grants Plaintiff's MIL #6.
- (G) Plaintiff's MIL #7: Plaintiff's seventh MIL seeks to exclude evidence that Plaintiff's damages were the result of a new and independent cause, separate and apart from the acts and omissions of the NCAA. Upon review of the records, the Court finds that introduction of such evidence at trial would be proper. Accordingly, the Court denies Plaintiff's MIL #7.
- (H) Plaintiff's MIL #8: Plaintiff's eighth MIL seeks to exclude evidence regarding media reports on CTE and their reliability. If an expert witness relies on such reports, they may be admissible. Otherwise, the Court grants Plaintiff's MIL #8.
- (I) Plaintiff's MIL #9: Plaintiff's ninth MIL seeks to exclude evidence that Plaintiffs potential recovery would not be subjected to federal taxation. The defense does not oppose this motion. Accordingly, the Court grants Plaintiff's MIL #9.
- (J) Plaintiff's MIL #10: Plaintiff's tenth MIL seeks to exclude evidence of any reference to potential pre-judgment or post-judgment interest, or that damages may be otherwise increased or decreased by operation of law. The defense does not oppose this motion. Accordingly, the Court grants Plaintiff's MIL #10.
- (K) Plaintiff's MIL #11: Plaintiff's eleventh MIL seeks to exclude evidence of any settlement(s) or settlement negotiations. The defense does not oppose this motion. Accordingly, the Court grants Plaintiff's MIL #11.
- (L) Plaintiff's MIL #12: Plaintiff's twelfth MIL seeks to exclude evidence of any suggestion that Plaintiffs' counsel has a contingent fee or an interest in the lawsuit. The Court grants Plaintiff's MIL #12.
- (M) Plaintiff's MIL #13: Plaintiff's thirteenth MIL seeks to exclude evidence which suggests that the lawsuit or damages sought are "bonuses" and any similarly inflammatory comments about the civil justice system about being a plaintiff or awards to plaintiffs. The Court finds that this motion has merit and is described with sufficient particularity. Accordingly, the Court grants Plaintiff's MIL #13.
- (N) Plaintiff's MIL #14: Plaintiff's fourteenth MIL seeks to exclude evidence from the defense of any suggestion that the NCAA's supposed compliance with government safety standards or the like absolves the NCAA from liability in this case. The Court

- finds that there are no relevant government safety standards which would apply and as such, this MIL is irrelevant. Accordingly, the Court grants Plaintiff's MIL #14.
- (O) Plaintiff's MIL #15: Plaintiff's fifteenth MIL seeks to exclude from trial any suggestion that an award of punitive damages may be capped by law. The defense does not oppose this motion. Accordingly, the Court grants Plaintiff's MIL #15.
- (P) Plaintiff's MIL #16: Plaintiff's sixteenth MIL seeks to exclude objections asserted by Plaintiffs to the NCAA's discovery requests at trial. The defense does not oppose this motion. Accordingly, the Court grants Plaintiff's MIL #16.
- (Q) Plaintiff's MIL #17: Plaintiff's seventeenth MIL seeks to exclude statements or language in Plaintiffs' pleadings from use in trial unless such pleadings have been properly introduced into evidence and a proper foundation has been laid outside the presence of the jury. Upon review of the records, the Court finds that this request lacks merit. Accordingly, the Court denies Plaintiff's MIL #17.
- (R) Plaintiff's MIL #18: Plaintiff's eighteenth MIL seeks to exclude evidence of the Plaintiffs' decision to not call any witnesses which were equally available to another party. The Court finds that this request has merit, but the Defendant may inform the Court before the closing of their case-in-chief if they wish to present such an argument to the jury. Accordingly, the Court tentatively grants Plaintiff's MIL #18.
- (S) Plaintiff's MIL #19: Plaintiff's nineteenth MIL seeks to exclude any requests or demands in the presence of the jury that Plaintiff or his counsel stipulate to any fact or to admit or deny any fact. The defense does not oppose this motion. Accordingly, the Court grants Plaintiff's MIL #19.
- (T) Plaintiff's MIL #20: Plaintiff's twentieth MIL seeks to exclude requests or demands in the presence of the jury that Plaintiff or their counsel produce, turn over, or allow examination of the contents of any document or thing in a file. The defense does not oppose this motion. Accordingly, the Court grants Plaintiff's MIL #20.
- (U) Plaintiff's MIL #21: Plaintiff's twenty-first MIL seeks to require that exhibits, evidence, and demonstrative aids introduced or used by Plaintiffs shall not be altered, modified, added to, or otherwise changed by the NCAA, its counsel, or witnesses. The defense does not oppose this motion. Accordingly, the Court grants Plaintiff's MIL #21.
- (V) Plaintiff's MIL #22: Plaintiff's twenty-second MIL seeks to exclude statements of the law other than statements regarding the burden of proof and basic legal definitions that are not reasonably subject to dispute. The defense does not oppose this motion. Accordingly, the Court grants Plaintiff's MIL #22.

The Court will similarly address each of Defendant's motions in turn:

- (A) Defendant's MIL #1: Defendant's first MIL asks the Court to exercise its discretion under South Carolina Rule of Evidence 615 to exclude witnesses "so that they cannot

- hear the testimony of other witnesses.” The Court agrees with the Defense in part and will only sequester fact witnesses. Accordingly, the Court grants Defendant’s MIL #1 for all fact witnesses, but this sequestration will not include expert witnesses.
- (B) Defendant’s MIL #2: Defendant’s second MIL asks the Court to exclude evidence of Chronic Traumatic Encephalopathy (“CTE”) because CTE is a pathological finding that can only be made on autopsy by examining a patient’s brain under a microscope. The Court finds that this is a matter for the jury’s determination. Accordingly, the Court denies Defendant’s MIL #2.
- (C) Defendant’s MIL #3: Defendant’s third MIL asks the Court to exclude evidence regarding Traumatic Encephalopathy Syndrome (“TES”) because TES is not a generally accepted clinical diagnosis. The Court finds that this is a matter for the fact-finder’s determination. Accordingly, the Court denies Defendant’s MIL #3.
- (D) Defendant’s MIL #4: Defendant’s fourth MIL asks the Court to exclude evidence regarding Diffusion Tensor Imaging (“DTI”) and Resting Functional MRI (rs-fMRI).. The Court finds that this is a matter for the fact-finder’s determination. Accordingly, the Court denies Defendant’s MIL #4.
- (E) Defendant’s MIL #5: Defendant’s fifth MIL asks the Court to exclude evidence regarding the NCAA’s conduct and knowledge after Plaintiff’s football career ended in 1980. The Court finds that this matter is not subject to a SCRE Rule 403 exclusion at trial. Accordingly, the Court denies Defendant’s MIL #5.
- (F) Defendant’s MIL #6: Defendant’s sixth MIL asks the Court to exclude evidence regarding NCAA rules or policies after 1980 under South Carolina Rule of Evidence 407. The Court has placed Defendant’s MIL #6 under advisement.
- (G) Defendant’s MIL #7: Defendant’s seventh MIL asks the Court to exclude evidence of the NCAA’s financial resources and legal expenses. The Court finds that Defendant’s financial resources are only relevant on the question of Defendant’s allocation of resources to CTE research and related financial expenditures. Such questioning will only take place through presenting percentages and not the total numerical or monetary value of those expenditures as compared against Defendant’s net worth. Further, this MIL may be subject to further review if this trial is bifurcated. Accordingly, the Court tentatively grants Defendant’s MIL #7 with the exceptions and limitations discussed above.
- (H) Defendant’s MIL #8: Defendant’s eighth MIL asks the Court to exclude evidence regarding the NCAA’s alleged exploitation of athletes, Name/ Image/ Likeness (“NIL”) Matters, and allegations that the NCAA engaged in antitrust conduct. The Court finds that this matter is not relevant to the facts presented in this case. Accordingly, the Court grants Defendant’s MIL #8.
- (I) Defendant’s MIL #9: Defendant’s ninth MIL asks the Court to exclude any evidence the NCAA is engaged in a joint venture with its member schools (such as S.C. State, where Mr. Geathers attended), or is a joint venture consisting of the member schools and conferences. The Court finds that such evidence is not relevant for either parties case or defense. Accordingly, the Court grants Defendant’s MIL #9.

- (J) Defendant's MIL #10: Defendant's tenth MIL asks the Court to exclude evidence regarding Walter Byers' 1997 Book *Unsportsmanlike Conduct*. The Court finds that this evidence is sufficiently relevant for the Plaintiff's claims. Accordingly, the Court denies Defendant's MIL #10.
- (K) Defendant's MIL #11: Defendant's eleventh MIL asks the Court to exclude references to pretrial motions and discovery, including references to allegations of spoliation. The Court finds that such evidence is not relevant for either party's case or defense. Accordingly, the Court grants Defendant's MIL #11.
- (L) Defendant's MIL #12: Defendant's twelfth MIL asks the Court to exclude editorial opinions and subjective commentary from Plaintiffs' experts. The Court finds that such evidence is permissive for the Plaintiff's experts' consideration. Accordingly, the Court denies Defendant's MIL #12.
- (M) Defendant's MIL #13: Defendant's thirteenth MIL asks the Court to bifurcate the trial and preclude the Plaintiffs from introducing any evidence regarding punitive damages should the Court instruct the jury on punitive damages. The Court has placed Defendant's MIL #13 under advisement.
- (N) Defendant's MIL #14: Defendant's fourteenth MIL asks the Court to exclude any improper references to the NCAA's counsel, including the size of the law firm representing the NCAA and its representation of the NCAA in other matters. The Court finds that such evidence is not relevant to the facts in this case. Accordingly, the Court grants Defendant's MIL #14.
- (O) Defendant's MIL #15: Defendant's fifteenth MIL asks the Court to prohibit Plaintiffs' counsel from expressing any personal opinions about the case, including personal opinions about the NCAA, its alleged culpability, or the credibility of any parties or witnesses. Although counsel for both Plaintiff and Defendant may argue that the jury should find a witness credible for some particular reason, counsel may not vouch for the credibility of any witness. Otherwise, the Court finds that such evidence is not relevant to the facts in this case. Accordingly, the Court grants Defendant's MIL #15.
- (P) Defendant's MIL #16: Defendant's sixteenth MIL asks the Court to exclude evidence regarding injuries to other college football players or other lawsuits and settlements. The Court finds that evidence related to injuries of other players and related suits or settlements may be relevant in this trial. However, assuming bifurcation, there is likely no relevancy to evidence of previous settlements by the Defendant. Accordingly, the Court partially denies Defendant's MIL #16 as to other injuries, but grants the MIL for evidence of Defendant's settlements in similar cases.
- (Q) Defendant's MIL #17: Defendant's seventeenth MIL asks the Court exclude references to insurance carried by the NCAA or lack thereof. Plaintiff does not oppose this motion. Accordingly, the Court grants Defendant's MIL #17.
- (R) Defendant's MIL #18: Defendant's eighteenth MIL asks the Court exclude references to media relating to the alleged connection between contact sports and concussions,

- repetitive brain injury, brain disease, CTE, or TES. Plaintiff does not oppose this motion. Accordingly, the Court grants Defendant's MIL #18.
- (S) Defendant's MIL #19: Defendant's nineteenth MIL asks the Court preclude Plaintiffs from asking the jury to put itself in Plaintiffs' position, making arguments that damages "help" the Plaintiffs, or from otherwise making "golden rule" arguments. Plaintiff does not oppose this motion. Accordingly, the Court grants Defendant's MIL #19
- (T) Defendant's MIL #20: Defendant's twentieth MIL asks the Court to exclude any evidence concerning the likelihood or prevalence of CTE or any other neurodegenerative condition in professional football players. The Court finds that such evidence is not relevant to the facts in this case. Accordingly, the Court grants Defendant's MIL #20.
- (U) Defendant's MIL #21: Defendant's twenty-first MIL asks the Court exclude any references to tobacco litigation, asbestos litigation, or any other mass tort litigation. The Court finds that such evidence is not relevant to the facts in this case. Accordingly, the Court grants Defendant's MIL #21.
- (V) Defendant's MIL #22: Defendant's twenty-second MIL asks the Court to exclude evidence suggesting or implying that playing football or sustaining repetitive head injury in sport is a "nationwide" cause of death, "epidemic," or similar unsupported prejudicial comments. The Court finds that such evidence is not relevant to the facts in this case during the Plaintiff's case-in-chief. However, such evidence could become relevant during the damages portion of the trial. Accordingly, the Court grants Defendant's MIL #22, but the Court reserves the right to allow such evidence at the appropriate time.
- (W) Defendant's MIL #23: Defendant's twenty-third MIL asks the Court to exclude evidence that Plaintiff Robert Geathers previously ran a car dealership, called Browns Ferry Motors. The Court finds that such evidence may be relevant to the facts in this case during the Plaintiff's case-in-chief under limited circumstances. Such evidence may only be limited to Plaintiff's cognitive decline over time. Such evidence may not reference or infer that Plaintiff's cognitive decline is the cause of any lost profits or the closure of the business as Plaintiff previously indicated that he is not pursuing loss profits as damages. Accordingly, the Court partially grants Defendant's MIL #23, but the Court reserves the right to allow such evidence as explained above.
- (X) Defendant's MIL #24: Defendant's twenty-fourth MIL asks the Court exclude lay opinion testimony, hearsay, witness speculation, and argument that Robert Geathers sustained undiagnosed concussions. The Court finds that such evidence may be relevant to the facts in this case during the Plaintiff's case-in-chief. Such evidence may only be limited to personal observations. Such evidence may not reference or infer Plaintiff's diagnosis. Accordingly, the Court partially grants Defendant's MIL #24, but the Court reserves the right to allow such evidence as stated above.
- (Y) Defendant's MIL #25: Defendant's twenty-fifth MIL asks the Court to exclude the estimates of the number of head impacts experienced by Robert Geathers. The Court

- finds that such evidence is appropriate for presentation in Plaintiff's case. Accordingly, the Court denies Defendant's MIL #25.
- (Z) Defendant's MIL #26: Defendant's twenty-sixth MIL asks the Court to exclude post-1980 scientific evidence to establish the pre-1980 standard of care. The Court finds that such evidence is not relevant to the facts in this case. Accordingly, the Court grants Defendant's MIL #26.
- (AA) Defendant's MIL #27: Defendant's twenty-seventh MIL asks the Court to exclude evidence concerning the history of "punch drunk" and "dementia pugilistica." The Court finds that such evidence is appropriate for presentation in Plaintiff's case. Accordingly, the Court denies Defendant's MIL #27.
- (BB) Defendant's MIL #28: Defendant's twenty-eighth MIL asks the Court to preclude Plaintiffs should from referencing, arguing, or eliciting testimony about rule changes the NCAA could or should have made when Mr. Geathers played college football from 1977 to 1980. The Court finds that such evidence is appropriate for presentation in Plaintiff's case. Accordingly, the Court denies Defendant's MIL #28.
- (CC) Defendant's MIL #29: Defendant's twenty-ninth MIL asks the Court to exclude evidence of statements on websites regarding whether playing football or sustaining repetitive head injury may cause neurodegenerative disease. The Court finds that such evidence may be relevant to the facts in this case during the Plaintiff's case-in-chief under limited circumstances. Such evidence may only be limited to the NCAA website as an admission. Accordingly, the Court partially grants Defendant's MIL #29, but the Court reserves the right to allow such evidence as stated above.
- (DD) Defendant's MIL #30: Defendant's thirtieth MIL asks the Court to preclude Plaintiffs from offering opinion testimony or argument regarding any warning the NCAA allegedly should have given Mr. Geathers. The Court finds that such evidence is appropriate for presentation in Plaintiff's case. Accordingly, the Court denies Defendant's MIL #30.
- (EE) Defendant's MIL #31: Defendant's thirty-first MIL asks the Court to preclude Plaintiffs from referencing the presence or absence of a corporate representative on behalf of the NCAA. The Court finds that such motion is premature since it is unknown at this time if the NCAA will send a corporate representative.
- (FF) Defendant's MIL #32: Defendant's thirty-second MIL asks the Court to exclude any evidence of statements by former NCAA President Mark Emmert given before the United States Senate on July 9, 2014. The Court has placed Defendant's MIL #32 under advisement.
- (GG) Defendant's MIL #33: Defendant's thirty-third MIL asks the Court to preclude Plaintiffs from arguing or implying that they cannot recover damages from nonparties. The Court finds that such evidence is not relevant to the facts in this case. Accordingly, the Court grants Defendant's MIL #33.
- (HH) Defendant's MIL #34: Defendant's thirty-fourth MIL asks the Court to exclude evidence regarding the NCAA's alleged prior civil or criminal misconduct. The Court

finds that such evidence is not relevant to the facts in this case. Accordingly, the Court grants Defendant's MIL #34.

- (II) Defendant's MIL #35: Defendant's thirty-fifth MIL asks the Court to exclude Plaintiffs from discussing their objectives in pursuing a lawsuit against the NCAA. The Court finds that such evidence is permissive for presentation of the Plaintiff's case. Accordingly, the Court denies Defendant's MIL #35.
- (JJ) Defendant's MIL #36: Defendant's thirty-sixth MIL asks the Court to exclude all testimony as to whether a legal duty exists or as to any other legal conclusion in this case. The Court finds that such evidence is appropriate for presentation in the Plaintiff's case. Accordingly, the Court denies Defendant's MIL #36.

Wherefore, the Court finds for the Plaintiff and Defendant according to the motions enumerated above.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

s/ Frank R. Addy, Jr.

Circuit Court Judge

2159

Judge Code

September 29, 2025

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or

to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter: WebEx recording only. Please contact Court Administration to request a formal transcript.

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.



Orangeburg Common Pleas

Case Caption: Robert Geathers , plaintiff, et al VS National Collegiate Athletic Association
Case Number: 2019CP3800550
Type: Order/Form 4

So Ordered

S/ Frank R. Addy, Jr.