

ROBERT GEATHERS AND DEBRA
GEATHERS
APPLICANT

NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION
DEFENDANT

Aug 20 2026

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), SCRCp; ☐ Rule 41(a), SCRCp (Vol. Nonsuit); ☐ Rule 43(k), SCRCp (Settled); ☐ Other
- ☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCp; ☐ 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 preliminary motions and Plaintiff's and Defendant's motions in limine. On October 1, 2025, the Court issued a ruling on these issues, but Defendant's sixth motion in limine was taken under advisement. The issue was briefed by both sides, and the Court has reviewed those briefs. As to the sixth motion in limine, the Court finds as follows:

Defendant's sixth MIL asks the Court to exclude evidence regarding any NCAA rule or policy changes post-1980 under Rule 407. The Court denies Defendant's sixth motion in limine to exclude such post-1980 evidence for the forgoing reasons.

The Court views Plaintiff's exhibits 1, 3-12, 14, 15, 17, and 18 as not being subject to exclusion under Rule 407. Rule 407 states that "when, after an event, measures are taken which, if taken previously, would have made the event less likely to occur, evidence of the subsequent measures is not admissible to prove negligence or culpable conduct in connection with the event." The textbook application of this rule can be seen in a simple slip and fall case, where a Plaintiff trips on an inconspicuous sidewalk ledge, and the Defendant's later action of painting the curb bright yellow would be excluded as evidence of knowledge and/or causation.

In the present case, however, Plaintiff's post-1980 evidence is not evidence of subsequent remedial measures. Rather, Plaintiff contends that the proffered evidence demonstrates a continued pattern of willfully and knowingly failing to meaningfully address concussion risks from 1933 to 2010. In this sense, this case is more analogous to a toxic tort case, whereby the environmental exposure is ongoing and continuous for years or decades, which slowly and ultimately results in injury to a plaintiff.

Such cases present unique challenges in that there are often a series of numerous or ongoing causal events occurring over an extended period of time. In such cases, evidence of continuing omissions, failures to act, or feasibility of alternate actions are relevant to issues of causation and feasibility of preventative measures. To that point, such evidence is not remedial but proof of an ongoing dereliction of duty by a defendant.

For example, in a tort case where a Defendant company continually dumps toxic waste into a water system, slowly and knowingly exposing a community to chemicals which cause illness to arise after a period of time, evidence of continual dumping and the feasibility of potential remedies is often admitted to demonstrate dereliction of duty by the defendant. Even if a plaintiff's exposure only occurred during a set timeframe of a few years, evidence of continued pollution after the given timeframe is still relevant on issues of knowledge, willfulness, causation, and feasibility of alternate measures.

Plaintiff asserts Defendant's purported dereliction of duty was ongoing for years prior, during, and subsequent to Mr. Geather's time at SC State, as opposed to a singular temporal event like a slip and fall. This evidence is necessary and competent for Plaintiff's case and does not constitute remedial measures that would have made Plaintiff's injuries "more or less likely to occur." See Jason Drori, Using Subsequent Remedial Measures to Help Satisfy Problematic Causation Requirements in Toxic Torts Cases, 10 SUFFOLK J. TRIAL & APP. ADVOC. 69 (2005).

Additionally, concussion protocols have been a part of college football for the last fifteen years, and even a casual or occasional football spectator is aware of this fact. Put differently, the general public is well aware that the rules governing how football is played and how concussive injuries are addressed has changed markedly since the 1970's. In the present case, Plaintiff may argue that rule changes should have come sooner, Defendant may argue that rule changes were made once the science was clearer or more definitive, and the jury will decide who is right.

Although the Court is permitting some post-1980 evidence, all evidence must still be relevant prior to admission. The Court has found that Exhibit Two is at best only marginally relevant to Plaintiff's case, as it involves warnings given to pregnant student athletes. Additionally, Exhibit Thirteen is also irrelevant because the NCAA did not have the described committee or committee process during the 1977-80 period. Furthermore, Exhibit Sixteen discusses congressional testimony which the Court has already found improper.

Wherefore, the Court denies Defendant's sixth motion in limine in part with regard to Plaintiff's exhibits 1, 3-12, 14, 15, 17, and 18. However, the Court grants Defendant's sixth motion in limine for Plaintiff's exhibits 2, 13 and 16.

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.

	2159	October 8, 2025
Circuit Court Judge	Judge Code	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:

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), SCRCP.



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.