



CASE NO: A-21-844043-B
Department 27

COMPB
Adam Hosmer-Henner, Esq. (NSBN 12779)
Jeff Silvestri, Esq. (NSBN 5779)
Rory Kay, Esq. (NSBN 12416)
Chelsea Latino, Esq. (NSBN 14227)
Jane Susskind, Esq. (NSBN 15099)
Zachary Noland, Esq. (NSBN 15075)
McDONALD CARANO LLP
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102
(702) 873-4100
ahosmerhenner@mcdonaldcarano.com
jsilvestri@mcdonaldcarano.com
rkay@mcdonaldcarano.com
clatino@mcdonaldcarano.com
jsusskind@mcdonaldcarano.com
znoland@mcdonaldcarano.com

Attorneys for Plaintiff Jon Gruden

DISTRICT COURT
CLARK COUNTY, NEVADA

JON GRUDEN,

Plaintiff,

v.

THE NATIONAL FOOTBALL LEAGUE;
ROGER GOODELL; DOES 1-10; and ROE
ENTITIES 11-20, inclusive,

Defendants.

CASE NO.:
DEPT. NO.:

COMPLAINT

**Request for Business Court Assignment
(EDCR 1.61(a)(2)(ii))**

**Exempt from Arbitration
(N.A.R. 3 – Amount in Controversy and
Equitable Relief Sought)**

Jury Demand (NRCP 38(b))

Plaintiff Jon Gruden (“Gruden” or “Plaintiff”) complains and alleges against Defendants the National Football League (“NFL”), Roger Goodell (“Goodell” or “Commissioner”), DOES 1-10, and ROE Entities 11-20 (collectively “Defendants”) as follows:

INTRODUCTION

1. Through a malicious and orchestrated campaign, the NFL and Commissioner Roger Goodell sought to destroy the career and reputation of Jon Gruden, the former head coach of the Las Vegas Raiders (“Raiders”).

McDONALD CARANO
2300 WEST SAHARA AVENUE, SUITE 1200 • LAS VEGAS, NEVADA 89102
PHONE 702.873.4100 • FAX 702.873.9966

1 2. In June 2021, Defendants obtained private emails between Gruden and his friend
2 and former co-worker, Bruce Allen, during an unrelated, confidential investigation into the
3 Washington Football Team. These emails were sent between 2011 and 2018, during which time
4 Gruden was not working as a coach in the NFL but as an employee of ESPN.

5 3. The investigation into the Washington Football Team was launched after reports that
6 15 female employees had experienced sexual or verbal abuse. The investigation was managed by
7 outside counsel and included the collection of 650,000 emails and more than 150 witness
8 interviews. It ended with a vague conclusion by Commissioner Goodell that the team’s workplace
9 was unprofessional, a fine against the team, additional workplace sensitivity training, and a decision
10 to keep all investigation materials confidential. The NFL broke its own precedent by foregoing
11 written reports and rejecting transparency, refusing to release documents even in response to a
12 request from Congress.

13 4. In contrast to the formalities of the Washington Football Team investigation,
14 Defendants’ treatment of Gruden was a Soviet-style character assassination. There was no warning
15 and no process. Defendants held the emails for months until they were leaked to the national media
16 in the middle of the Raiders’ season in order to cause maximum damage to Gruden.

17 5. Defendants first leaked a 2011 email from Gruden to the Wall Street Journal
18 referencing DeMaurice Smith, Executive Director of the National Football League Players
19 Association.¹ Defendants then immediately condemned the email as “abhorrent” and, with a straight
20 face, “regret[ted] any harm that its publication may inflict on Mr. Smith or anyone else.”² After this
21 leak on October 8, 2021, Defendants pressured the Raiders to fire Gruden.

22 6. When their initial salvo did not result in Gruden’s firing or resignation, Defendants
23 ratcheted up the pressure by intimating that further documents would become public if Gruden was
24 _____

25 ¹ See Andrew Beaton, *Jon Gruden Used Racial Trope to Describe NFLPA Chief DeMaurice Smith*
26 *in 2011 Email*, Wall St. J. (Oct. 8, 2021, 8:09 PM), [https://www.wsj.com/articles/jon-gruden-](https://www.wsj.com/articles/jon-gruden-email-demaurence-smith-11633721045)
27 [email-demaurence-smith-11633721045](https://www.wsj.com/articles/jon-gruden-email-demaurence-smith-11633721045) [hereinafter WSJ Report].

28 ² *Raiders, NFL Condemn Jon Gruden for Using Racial Trope in 2011 Email to Describe NFLPA*
Executive Director DeMaurice Smith, NFL (Oct. 8, 2021, 7:02 PM), [https://www.nfl.com/](https://www.nfl.com/news/raiders-nfl-condemn-jon-gruden-for-using-racial-trope-in-2011-email-to-describe-)
[news/raiders-nfl-condemn-jon-gruden-for-using-racial-trope-in-2011-email-to-describe-](https://www.nfl.com/news/raiders-nfl-condemn-jon-gruden-for-using-racial-trope-in-2011-email-to-describe-)

1 not fired. They followed through with this threat by leaking another batch of documents to the New
2 York Times for an October 11, 2021 article.³

3 7. On October 7, 2021, Jon Gruden was the head coach of the Raiders on a 10-year,
4 \$100-million contract. By October 11, 2021, he had been forced to resign.

5 8. After a year-long investigation into the hostile-work-environment and sexual-
6 harassment allegations leveled against the Washington Football Team, the only information
7 disclosed to the public was a selection of Gruden’s private and personal correspondence.

8 9. Gruden released this statement after being forced to resign: “I have resigned as Head
9 Coach of the Las Vegas Raiders. I love the Raiders and do not want to be a distraction. Thank you
10 to all the players, coaches, staff, and fans of Raider Nation. I’m sorry, I never meant to hurt
11 anyone.”⁴ Defendants, however, did intend to hurt Gruden and they did so with unchecked
12 hypocrisy and arrogance.

13 **PARTIES**

14 10. Plaintiff Jon Gruden is a citizen of the state of Nevada and a resident of Clark
15 County, Nevada. He is the former head coach of the Las Vegas Raiders.

16 11. Defendant National Football League is an unincorporated association of 32 member
17 clubs organized under the laws of New York. The NFL is a resident of Nevada because, among
18 other reasons, it does business here and derives substantial revenue from its contacts with Nevada,
19 and one of its member clubs is a resident of Nevada.

20 12. Defendant Roger Goodell is an individual and, upon information and belief, a
21 resident of New York. Goodell is the Commissioner of the NFL. His actions were taken for his
22 individual benefit and/or in concert with the NFL.

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25 ³ Ken Belson et al., *Raiders Coach Resigns After Homophobic and Misogynistic Emails*, N.Y.
26 Times (Oct. 11, 2021 & updated Oct. 28, 2021), <https://www.nytimes.com/2021/10/11/sports/football/what-did-jon-gruden-say.html?smtyp=cur&smid=tw-nytimes> [hereinafter NYT Report].

27 ⁴ Marcus Mosher, *Jon Gruden Issues Statement After Resigning from Raiders*, Raiders Wire (Oct.
28 11, 2021, 7:02 PM), <https://raiderswire.usatoday.com/2021/10/11/jon-gruden-issues-statement-after-resigning-from-raiders>.

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13. There may be other persons or entities, whether individuals, corporations, associations, or otherwise, who are or may be legally responsible for the acts, omissions, circumstances, happenings, and/or damages or other relief requested by this Complaint. The true names and capacities of DOES 1 through 10 and ROE Entities 11 through 20 are unknown to Plaintiff, who sues those defendants by such fictitious names. Plaintiff will seek leave of this Court to amend this Complaint to insert the proper names of the defendants when such names and capacities become known to Plaintiff.

JURISDICTION AND VENUE

14. This Court has jurisdiction over this action because it arises under Nevada law and seeks the recovery of money in excess of \$15,000.00.

15. This Court has jurisdiction over the parties because Defendants, and each of them, engaged in intentional conduct expressly directed at and calculated to cause harm to Plaintiff, a Nevada resident. Defendants knew that the effects of their wrongful conduct would be felt in and would be unique to Nevada.

16. Venue is appropriate in this Court pursuant to NRS 13.040 because, among other reasons, Plaintiff resided in Clark County, Nevada at the commencement of the action.

GENERAL ALLEGATIONS COMMON TO ALL CLAIMS

A. The National Football League and Commissioner Goodell

17. The NFL is the most popular sports league in the country and earns more revenue than any sports league in the world. In 2019, it earned approximately \$16 billion in revenue and, in 2020, approximately \$12 billion.⁵ Commissioner Goodell himself earned nearly \$128 million over the previous two years.⁶ Until 2015, the NFL operated as a tax-exempt, non-profit entity.

⁵ Ben Fischer, *SBJ Football: Pandemic Took 25% Bite out of NFL Revenue*, Sports Bus. J. (Mar. 11, 2021), <https://www.sportsbusinessjournal.com/SB-Blogs/Newsletter-Football/2021/03/11>.

⁶ Analis Bailey, *Report: Roger Goodell Received Staggering Salary Package over Past Two Years: \$128 Million*, USA Today (Oct. 29, 2021, 11:37 AM), <https://www.usatoday.com/story/sports/nfl/2021/10/29/roger-goodell-received-128-million-salary-over-two-years/6191205001>.

1 18. Pursuant to the NFL Constitution and Bylaws, the “League shall select and employ
2 a person of unquestioned integrity to serve as Commissioner of the League and shall determine the
3 period and fix the compensation of his employment.”

4 19. Commissioner Goodell is beholden to the owners of the NFL teams and has
5 frequently been criticized for putting the interests of team owners above the interests of players or
6 fans. The Washington Post described Commissioner Goodell as acting like a dictator in securing
7 his hold on power.⁷

8 20. Commissioner Goodell does not have the authority to decide which coach a team
9 must hire or to unilaterally dictate the terms of employment for the coach of a team.

10 21. It is certainly not within Commissioner Goodell’s authority to disclose confidential
11 information to the media or to pressure a team to fire one of its employees because that employee
12 insulted Commissioner Goodell.

13 22. Commissioner Goodell is often described as serving as the judge, jury, and
14 executioner due to his attempt to exercise unfettered authority over internal NFL disputes.

15 23. In the 2020-2021 season, the Raiders were fined \$800,000 by the NFL for alleged
16 violations of COVID-19 protocols and the NFL sought to strip the team of a draft pick. In the 2020-
17 2021 season, the NFL fined Gruden \$250,000 for violations of COVID-19 protocols such as the
18 failure to properly wear a mask.⁸

19 24. This is not an internal dispute though, as clearly shown by the Defendants’ actions
20 in leaking documents to the national media, and the courts can and should hold Defendants
21 accountable for the harm caused to Gruden.

24 ⁷ Michael C. Horowitz, *How Does the NFL’s Roger Goodell Stay in Power? By Acting Like a*
25 *Dictator.*, Wash. Post (Aug. 24, 2015), <https://www.washingtonpost.com/news/monkey-cage/wp/2015/08/24/how-does-the-nfls-roger-goodell-stay-in-power-by-acting-like-a-dictator>.

26 ⁸ Charles Robinson, *Sources: NFL Drops Another Hammer on Raiders for Latest COVID-19*
27 *Violations, Fining Franchise \$500k and Gruden \$150k*, Yahoo! (Nov. 5, 2020),
28 <https://www.yahoo.com/now/nfl-just-dropped-another-hammer-on-raiders-for-latest-covid-19-violations-020651902.html>.

1 **B. The Washington Football Team Investigation**

2 25. On July 16, 2020, the Washington Post reported that 15 women who previously
3 worked for the Washington Football Team had experienced sexual harassment and verbal abuse.⁹

4 26. The same day, the Washington Football Team announced it had hired attorney Beth
5 Wilkinson (“Wilkinson”) to investigate the allegations, which included “discussion of the female
6 employees’ bodies, unwelcome overtures, sexually charged comments, directives to sales staffers
7 to wear skimpy clothing and excessive berating.”¹⁰

8 27. On August 26, 2020, the Washington Post issued a story detailing the accounts of
9 former cheerleaders who had been recorded without their knowledge during the team’s swimsuit-
10 calendar photo shoots in 2008 and 2010. The cheerleaders alleged that Snyder’s vice president and
11 former play-by-play announcer directed team employees to produce these videos for Snyder.¹¹

12 28. On August 31, 2020, the NFL announced that it had assumed oversight of the
13 investigation of these claims. Wilkinson would still lead the investigation, though she would now
14 report to Goodell and the NFL instead of Snyder and the Washington Football Team. Thus, the
15 NFL, which was ostensibly responsible for disciplining the Washington Football Team, engaged
16 the same attorney for its “independent” investigation who had been initially hired by the subjects
17 of the investigation.¹²

18 29. During the reporting on the investigation, multiple news sources, including the New
19 York Times and Washington Post, ran stories in December 2020 revealing that Snyder had settled

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21 ⁹ Will Hobson et al., *From Dream Job to Nightmare: More than a Dozen Women Allege Sexual*
22 *Harassment and Verbal Abuse by Former Team Employees at Redskins Park*, Wash. Post (July
23 16, 2020), <https://www.washingtonpost.com/sports/2020/07/16/redskins-sexual-harassment-larry-michael-alex-santos>.

24 ¹⁰ Andrew Beaton, *Washington’s NFL Team Hires Law Firm to Review Allegations of Workplace*
25 *Misconduct*, Wall St. J. (July 16, 2020, 6:36 PM), <https://www.wsj.com/articles/washingtons-nfl-team-hires-law-firm-to-review-allegations-of-workplace-misconduct-11594925912>.

26 ¹¹ Will Hobson et al., *Lewd Cheerleader Videos, Sexist Rules: Ex-employees Decry Washington’s*
27 *NFL Team Workplace*, Wash. Post (Aug. 26, 2020), <https://www.washingtonpost.com/sports/2020/08/26/redskins-cheerleaders-video-daniel-snyder-washington>.

28 ¹² *NFL Taking Over Investigation of Washington Football Team*, NFL (Aug. 31, 2020, 7:20 PM), <https://www.nfl.com/news/nfl-taking-over-investigation-of-washington-football-team>.

1 a separate sexual-misconduct claim for \$1.6 million in 2009. The former female employee who
2 made that claim alleged that Snyder made unwanted sexual advances while the two flew in Snyder's
3 private jet.

4 30. In February 2021, against the backdrop of the NFL's investigation of the sexual-
5 harassment and verbal-abuse allegations of the team's former employees, the Washington Football
6 Team settled with its former cheerleaders on undisclosed terms related to the video.

7 31. In July 2021, only five weeks before the NFL began its preseason, the NFL
8 announced that it had fined the Washington Football Team \$10 million because of the findings of
9 Wilkinson's investigation into the team's workplace culture and the former employees' allegations
10 of sexual harassment and verbal abuse.

11 32. The NFL's traditional practice is to prepare and release a formal written report of its
12 internal investigations. Touting its purported commitment to public transparency, the NFL has
13 released written reports of numerous independent investigations, including an investigation into
14 workplace harassment involving the Miami Dolphins in 2014, an investigation into the NFL's own
15 investigation of a domestic violence incident involving then-Baltimore Ravens football player Ray
16 Rice in 2014, and an investigation into deflated footballs used by the Patriots to gain an unfair
17 advantage and alter the outcome of the AFC Championship Game in January 2015.¹³

18 33. Unlike in the independent investigations, the NFL instructed Wilkinson not to
19 prepare a written report and did not release any specific details surrounding Wilkinson's year-long
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21 ¹³ See Theodore V. Wells, Jr. et al., Report to the National Football League Concerning Issues of
22 Workplace Conduct at the Miami Dolphins 6 (Feb. 14, 2014) ("The NFL retained [the
23 investigator] to 'direct an independent investigation into issues of workplace conduct at the Miami
24 Dolphins and prepare a report for the Commissioner, which would be made public.'"),
25 <https://www.sportsconflict.org/wp-content/uploads/2014/02/PaulWeissReport.pdf>; Robert S.
26 Mueller III, Report to the National Football League of an Independent Investigation into the Ray
27 Rice Incident 10 (Jan. 8, 2015) ("From the start, the League expected that . . . report would be
28 made public."), [http://static.nfl.com/static/content/public/photo/2015/01/08/0ap3000000455484](http://static.nfl.com/static/content/public/photo/2015/01/08/0ap3000000455484.pdf)
.pdf; Theodore V. Wells, Jr. et al., Investigative Report Concerning Footballs Used During the
AFC Championship Game on January 18, 2015 at 22 (May 6, 2015) ("making clear that the
investigation would follow customary investigative procedures and that the results would be
shared publicly"), [http://static.nfl.com/static/content/public/photo/2015/05/06/0ap3000000491](http://static.nfl.com/static/content/public/photo/2015/05/06/0ap3000000491381.pdf)
381.pdf.

1 probe. The NFL refused to officially release any of the 650,000 emails that it uncovered during the
2 investigation into the Washington Football Team.

3 34. The secrecy outraged the 40 former employees who had made allegations against
4 the Washington Football Team, participated in the investigation, and wanted the NFL to make the
5 report public. Their attorney wrote: “It is truly outrageous that after the NFL’s 10-month long
6 investigation involving hundreds of witnesses and 650,000 documents related to the longtime
7 culture of harassment and abuse at the Washington Football Team, the only person to be held
8 accountable and lose their job is the coach of the Las Vegas Raiders. . . . Our clients and the public
9 at large deserve transparency and accountability. If not, the NFL and Roger Goodell must explain
10 why they appear intent on protecting the Washington Football Team and owner Dan Snyder at all
11 costs.”¹⁴

12 35. To justify the refusal to issue a written report, Defendants cited their desire to protect
13 the confidentiality of those same former employees. The attorneys for the former employees wrote
14 to Commissioner Goodell: “Your continued refusal to produce the findings of the investigation,
15 ignoring the repeated pleas from those who put themselves at great risk to participate in this
16 investigation, suggests strongly that it is not they who you are determined to protect.”¹⁵

17 36. One former employee called the NFL’s refusal to issue a report “cowardly” and
18 accused Goodell and the NFL of using the former employees and purported concern for their
19 confidentiality to “shield the NFL” from further scrutiny.¹⁶

22 ¹⁴ *Lisa Banks and Debra Katz Call on NFL to Release Results of Washington Football Team*
23 *Investigation*, Katz, Marshall & Banks, LLP (Oct. 13, 2021), [https://kmblegal.com/news/lisa-](https://kmblegal.com/news/lisa-banks-debra-katz-call-nfl-release-results-washington-football-team-investigation)
24 [banks-debra-katz-call-nfl-release-results-washington-football-team-investigation](https://kmblegal.com/news/lisa-banks-debra-katz-call-nfl-release-results-washington-football-team-investigation).

25 ¹⁵ John Keim, *Attorneys for Former Washington Football Team Employees Reject NFL’s Stance,*
26 *Say Clients Want Investigation ‘Findings Released’*, ABC News (Oct. 27, 2021, 1:49 PM),
[https://abcnews.go.com/Sports/attorneys-washington-football-team-employees-reject-nfls-stance](https://abcnews.go.com/Sports/attorneys-washington-football-team-employees-reject-nfls-stance/story?id=80821890)
/story?id=80821890.

27 ¹⁶ Paulina Dedaj, *Ex-Washington Cheerleader Says NFL Is ‘Using Us and Our Anonymity to*
28 *Shield’ the League by Not Issuing Report*, Fox News (Oct. 28, 2021), [https://www.foxnews.com/](https://www.foxnews.com/sports/washington-cheerleader-nfl-using-us-anonymity-report)
sports/washington-cheerleader-nfl-using-us-anonymity-report.

1 37. Defendants have come under increasing scrutiny for their refusal to release the
2 documents and reports from the Washington Football Team investigation.

3 38. The Congressional Committee on Oversight recently wrote to Commissioner
4 Goodell to request all documents, communications, and reports or findings from the Washington
5 Football Team investigation. The Committee wrote to Defendants: “We have serious concerns
6 about what appears to be widespread abusive workplace conduct at the WFT and about the NFL’s
7 handling of this matter. Communications between league management and WFT leadership also
8 raise questions about the league’s asserted impartiality in these investigations.”¹⁷

9 39. After the NFL failed to produce documents in response to Congress’s request, Rep.
10 Carolyn B. Maloney, Chairwoman of the Committee on Oversight and Reform, and Rep. Raja
11 Krishnamoorthi, Chairman of the Subcommittee on Economic and Consumer Policy, again called
12 on the “National Football League and the Washington Football Team to commit to complete
13 transparency on the NFL’s handling of the WFT’s hostile workplace culture.”¹⁸

14 40. Similarly, the NFL Players Association has pushed for full disclosure and has
15 indicated that it will request that the NFL release the rest of the emails.¹⁹

16 41. In the NFL’s announcement of the investigation’s conclusion, the NFL confirmed
17 the severity of the Washington Football Team’s actions: “[F]or many years the workplace
18 environment at the Washington Football Team, both generally and particularly for women, was
19 highly unprofessional. Bullying and intimidation frequently took place and many described the
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23 ¹⁷ Letter from H.R. Comm. on Oversight and Reform to Roger Goodell, Commissioner, NFL (Oct.
24 21, 2021), <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Final%202021-10-21.CBM%20RK%20to%20Goodell-NFL%20re%20WFT%20Investigation.pdf>.

25 ¹⁸ *Chairs Maloney and Krishnamoorthi Call for Transparency from NFL, Washington Football*
26 *Team*, H.R. Comm. on Oversight and Reform (Nov. 5, 2021), <https://oversight.house.gov/news/press-releases/chairs-maloney-and-krishnamoorthi-call-for-transparency-from-nfl-washington>.

27 ¹⁹ Mike Florio, *NFLPA Plans to Petition NFL to Release the Rest of the WFT Emails*, NBC Sports
28 (Oct. 12, 2021, 2:53 PM), <https://profootballtalk.nbcsports.com/2021/10/12/nflpa-plans-to-petition-nfl-to-release-the-rest-of-the-wft-emails>.

1 culture as one of fear, and numerous female employees reported having experienced sexual
2 harassment and a general lack of respect in the workplace.”²⁰

3 42. The punishment imposed by the NFL against the Washington Football Team has
4 been minimal. After a secretive, self-serving, and year-long investigation into a decade of
5 allegations against the Washington Football Team, the NFL fined the Washington Football Team a
6 paltry \$10 million, required Snyder, the team’s multibillionaire owner, to participate in sensitivity
7 training, and swept the rest under the rug.

8 43. While Defendants protected Snyder and the Washington Football Team, they treated
9 Gruden far differently by selectively disclosing documents to maximize the harm to Gruden and to
10 single him out. The New York Times described Gruden as “collateral damage in a tangled case that
11 had focused on the conduct of Daniel Snyder, the contentious owner of the Washington Football
12 Team, and his feud with investors in the team.”²¹

13 **C. Defendants Intentionally Leak Gruden’s and Only Gruden’s Documents.**

14 44. Defendants attempted to create a distraction from the controversy over their
15 handling of the Washington Football Team investigation by misusing documents from that
16 investigation to publicly sabotage Gruden’s career.

17 45. Defendants had access to the emails since at least June 2021 but held on to them
18 without notifying Gruden or the Raiders until October 2021.

19 46. The emails between Gruden and Allen contained insulting and derogatory language
20 about Commissioner Goodell, whose actions to harm Gruden in response were taken in his
21 individual capacity and were outside of his scope and authority as Commissioner.

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25 ²⁰ *NFL Announces Outcome of Washington Football Team Workplace Review*, NFL (July 1, 2021,
26 3:45 PM), <https://www.nfl.com/news/nfl-announces-outcome-of-washington-football-team-workplace-review>.

27 ²¹ Kevin Draper, *Gruden’s Emails Were Collateral Damage in Washington Football Inquiry*, N.Y.
28 Times (Oct. 26, 2021), <https://www.nytimes.com/2021/10/12/sports/football/jon-gruden-emails-dan-snyder.html?searchResultPosition=3>.

1 47. The actions by Defendants were taken outside of all standard procedures of the NFL
2 and were contrary to Defendants’ own public position that the documents from the Washington
3 Football Team investigation were confidential.

4 48. Commissioner Goodell reviewed the emails and summaries together with the NFL’s
5 senior executives. Rather than initiate a genuine investigation or provide Gruden with any
6 semblance of due process, Defendants instead directly leaked the documents to the media.

7 49. On October 8, 2021, the Wall Street Journal, through reporter Andrew Beaton,
8 published a report (“WSJ Report”) about a July 2011 email from Gruden to Allen, who was the
9 Washington Football Team general manager at the time. The email, which was sent by Gruden
10 while he was working at ESPN, was but one of the 650,000 emails that Defendants reviewed during
11 the Washington Football Team investigation.²²

12 50. Defendants did not release to the Wall Street Journal all of the emails that they
13 reviewed during the Washington Football Team investigation, nor did they even release all of
14 Gruden’s emails in the same set. Instead, Defendants calculatingly released only a single email that
15 they knew would harm Gruden and would take the focus off the Washington Football Team
16 investigation.

17 51. The Wall Street Journal, upon information and belief, is one of the NFL’s customary
18 outlets for leaking information to the media.

19 52. After the WSJ Report went public on October 8, 2021, Defendants pressured the
20 Raiders to fire Gruden. Despite this pressure, Gruden would coach the Raiders the following
21 weekend with the public support of his team and players.

22 53. Even after the WSJ Report, Gruden received public support from many sources. He
23 was supported by Randall Cunningham, former UNLV quarterback and team chaplain of the
24 Raiders, who said: “Hey, I know you as a person. I don’t believe you’re a racist in any faction of
25 the game If anybody pulled up our records, we would all be guilty. So, I don’t condemn him
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27 _____

28 ²² See WSJ Report, *supra* note 1.

1 nor do we as a church condemn him. He’s a faithful person, and I love that about him. And he cares
2 about people, so it’s kind of just what it is.”²³

3 54. One of his former players, Tim Brown, similarly came to Gruden’s defense: “Never,
4 ever, have I gotten anything from him that made me even pause, to think about, ‘Hmm, that didn’t
5 come off right.’”²⁴

6 55. When the Raiders had not terminated Gruden after the WSJ Report, Defendants
7 added pressure by intimating that more documents would become public if Gruden remained
8 employed.

9 56. Defendants followed through. On October 11, 2021, the New York Times published
10 a report (“NYT Report”) outlining additional emails that were sent between Gruden and Allen.
11 These emails were leaked by Defendants despite being treated as confidential as part of the
12 Washington Football Team investigation. The NYT Report described these emails as containing
13 racist, homophobic, and misogynistic language by Gruden in conversations with Allen. They also
14 contained insulting and derogatory language against Commissioner Goodell.²⁵

15 57. The New York Times, upon information and belief, is one of the NFL’s customary
16 outlets for leaking information to the media.

17 58. Out of 650,000 emails obtained months earlier in connection with the investigation
18 into workplace misconduct by the Washington Football Team, Defendants weaponized a small
19 subset that were authored by Gruden prior to his hiring by the Raiders. Defendants then
20 purposefully leveraged these emails to cause the termination of Gruden’s coaching contract,
21 endorsements, and sponsorships.

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24 ²³ Meg Turner, *Ex-NFL QB, Pastor Randall Cunningham Backs Jon Gruden: ‘I Don’t Believe
25 You’re a Racist’*, Fox News (Nov. 3, 2021), <https://www.foxnews.com/sports/ex-nfl-qb-pastor-randall-cunningham-backs-jon-gruden-i-dont-believe-youre-a-racist>.

26 ²⁴ Adam Hill et al., *Former Raiders Great Admits Comment Could Cost Gruden His Job*, Las
27 Vegas Rev.-J. (Oct. 9, 2021, 3:14 PM), <https://www.reviewjournal.com/sports/raiders/former-raiders-great-admits-comment-could-cost-gruden-his-job-2456387>.

28 ²⁵ See NYT Report, *supra* note 3.

1 59. Within hours of the NYT Report going public on October 11, 2021, Defendants’
2 orchestrated campaign had successfully forced Gruden to resign.

3 **D. The Damage to Gruden Is Immense.**

4 60. Gruden is one of the most respected and successful coaches in the history of
5 professional football. His contract with the Raiders reputedly made him the highest-paid coach in
6 the NFL’s history. Building on his coaching reputation, Gruden also became a famous media
7 personality while working as the highest-paid commentator at ESPN.

8 61. Gruden has been around the sport of football for almost his entire life. After playing
9 football at the University of Dayton, Gruden began working his way up the coaching ladder by
10 taking assistant roles at the University of Tennessee, Southeast Missouri State, and the University
11 of the Pacific.

12 62. He began coaching in the NFL in 1990 with the San Francisco 49ers, launching a
13 professional coaching career spanning nearly four decades.

14 63. In 1998, the Oakland Raiders hired Gruden to serve as head coach, beginning a run
15 of nearly 15 years as a head coach. At the time, Gruden was the youngest head coach in the NFL.
16 During his time with the Oakland Raiders, Gruden led the team to an appearance in the 2001 AFC
17 Championship Game.

18 64. In 2002, Gruden was traded by the Oakland Raiders to the Tampa Bay Buccaneers
19 for two first-round draft picks, two second-round draft picks, and \$8 million. The trade was a
20 success for the Buccaneers as Gruden led the team to a Super Bowl victory. At the time, this made
21 Gruden the youngest head coach to win the Super Bowl. Gruden coached the Buccaneers for six
22 more seasons, twice leading them to the playoffs.

23 65. Four months after leaving the Tampa Bay Buccaneers, ESPN hired Gruden in 2009
24 to co-host the network’s iconic Monday Night Football franchise with Mike Tirico and Ron
25 Jaworski. ESPN made Gruden the network’s highest-paid personality in 2015 and he was
26 nominated seven times for the Sports Emmy Award for Outstanding Sports Personality – Sports
27 Event Analyst.

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1 66. All of Gruden’s communications that were leaked by Defendants were sent while
2 Gruden was at ESPN and not affiliated with Defendants or with the Raiders. The communications
3 were entirely outside of the course and scope of Gruden’s employment with any member club of
4 the NFL.

5 67. In 2018, the Oakland Raiders hired Gruden as their head coach under a 10-year,
6 \$100-million contract.

7 68. When the Raiders moved to Las Vegas, Nevada, in 2020 and provided the State of
8 Nevada with its first professional football franchise, Gruden came with the team and became the
9 very first head coach for the Las Vegas Raiders.

10 69. Gruden coached the first five games of the 2021-2022 season, but due to Defendants’
11 actions, he was forced to resign on October 11, 2021.

12 70. As a direct and proximate result of Defendants’ malicious efforts to interfere with
13 Gruden’s contract with the Raiders, Gruden experienced massive financial damages. These
14 damages include the loss of the balance of his \$100 million contract, less offsets, which was to run
15 through the 2027 season.

16 71. Those losses also include an endorsement contract with footwear and apparel
17 company Skechers. Gruden was pulled from appearing in the video game Madden NFL 2022, which
18 bears the name of famous Oakland Raiders football coach John Madden.

19 72. Gruden has likewise suffered significant injuries to his reputation that will affect his
20 future employment prospects and endorsement opportunities. So far, those injuries already include
21 the removal of his name from the Tampa Bay Buccaneers Ring of Honor at Raymond James
22 Stadium and the removal of his name from other charitable institutions that have benefited from his
23 donations.

24 73. Based on the foregoing facts, Gruden is entitled to the relief set forth below.

25 **FIRST CAUSE OF ACTION**

26 **(Intentional Interference with Contractual Relations)**

27 74. Plaintiff incorporates the allegations contained in the preceding and following
28 paragraphs as if set forth verbatim herein.

1 75. At the time Defendants engaged in the acts and omissions alleged herein, there
2 existed valid and enforceable contracts between Plaintiff and third parties, including Plaintiff's 10-
3 year, \$100-million coaching contract with the Raiders as well as personal endorsement contracts.

4 76. Defendants had actual and/or constructive knowledge of Plaintiff's coaching and
5 endorsement contracts at all relevant times.

6 77. Defendants intended, and their acts and omissions described herein were designed,
7 to disrupt Plaintiff's contractual relationships.

8 78. Defendants intentionally interfered with Plaintiff's contractual relationships for the
9 purpose of harming Plaintiff.

10 79. Defendants lacked any privilege or justification for their actions.

11 80. Defendants' acts and omissions as described herein actually and significantly
12 disrupted Plaintiff's contractual relationships because, among other things, Plaintiff's contracts
13 have been terminated.

14 81. As a direct and proximate result of Defendants' intentional interference with said
15 contracts, Plaintiff has been damaged in excess of \$15,000.00. Defendants' actions entailed malice,
16 warranting the imposition of exemplary and punitive damages.

17 82. It has been necessary for Plaintiff to retain attorneys to bring this Complaint.
18 Accordingly, Plaintiff is entitled to recover his reasonable attorney's fees and costs incurred herein.

19 **SECOND CAUSE OF ACTION**

20 **(Tortious Interference with Prospective Economic Advantage)**

21 83. Plaintiff incorporates the allegations contained in the preceding and following
22 paragraphs as if set forth verbatim herein.

23 84. A prospective contractual and/or economic relationship existed between Plaintiff
24 and third parties, including those interested in employing, endorsing, or sponsoring Plaintiff.

25 85. Defendants knew or had reason to know of such prospective relationships at all
26 relevant times.

27 86. Defendants knew or had reason to know that their actions would interfere with
28 Plaintiff's future employment prospects and endorsement opportunities.

1 87. Defendants intended to harm Plaintiff by preventing such prospective relationships,
2 and Defendants engaged in such interference for the sole purpose of harming Plaintiff.

3 88. Defendants' acts and omissions as described herein were neither privileged nor
4 justified.

5 89. As a direct and proximate result of Defendants' tortious interference with said
6 prospective relationships, Plaintiff has been damaged in excess of \$15,000.00. Defendants' actions
7 entailed malice, warranting the imposition of exemplary and punitive damages.

8 90. It has been necessary for Plaintiff to retain attorneys to bring this Complaint.
9 Accordingly, Plaintiff is entitled to recover his reasonable attorney's fees and costs incurred herein.

10 **THIRD CAUSE OF ACTION**

11 **(Negligence)**

12 91. Plaintiff incorporates the allegations contained in the preceding and following
13 paragraphs as if set forth verbatim herein.

14 92. Defendants had full oversight and control over the investigation into the Washington
15 Football Team.

16 93. Through the course of the investigation, Defendants collected and controlled highly
17 confidential and private information, including 650,000 emails and notes from more than 150
18 interviews.

19 94. Defendants' oversight and control of the investigation was exclusive. Wilkinson,
20 who was initially hired by the Washington Football Team to investigate the allegations,
21 subsequently reported only to Defendants.

22 95. Based on the sensitive nature of the investigation and the private information
23 collected therein, selectively leaking information obtained through the investigation would
24 foreseeably harm Gruden.

25 96. Defendants therefore had a duty to exercise reasonable care in conducting the
26 investigation, including a duty to exercise reasonable care in protecting and safeguarding the highly
27 confidential and private information collected as part of the investigation.

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1 97. Defendants’ failure to exercise reasonable care in conducting the investigation,
 2 including their failure to exercise reasonable care in protecting, safeguarding, and preventing the
 3 selective leaking of private information collected during the investigation into the Washington
 4 Football Team, was the actual and proximate cause of Gruden’s injuries, damages, and losses,
 5 which are in excess of \$15,000.00.

6 98. It has been necessary for Plaintiff to retain attorneys to bring this Complaint.
 7 Accordingly, Plaintiff is entitled to recover his reasonable attorney’s fees and costs incurred herein.

8 **FOURTH CAUSE OF ACTION**

9 **(Negligent Hiring)**

10 99. Plaintiff incorporates the allegations contained in the preceding and following
 11 paragraphs as if set forth verbatim herein.

12 100. Defendants hired and retained several professionals to lead the investigation.
 13 Defendants also hired and retained numerous employees and professionals to help conduct the
 14 investigation, including Commissioner Goodell, who is employed by the NFL.

15 101. Defendants knew that those employees and agents leading and conducting the
 16 investigation would have access to and control over highly confidential personal information. The
 17 allegations against the Washington Football Team involved widespread verbal abuse, sexual
 18 misconduct, and the use of non-disclosure agreements to silence female employees. These
 19 allegations caught the public’s interest and attention, understandably so, with media sources beyond
 20 the traditional sports networks reporting extensively on the allegations and investigation.

21 102. With increased national attention from the public and media, a critical qualification
 22 for those employees involved in the investigation was the ability to collect highly confidential
 23 personal information while protecting it from unauthorized disclosure or leaking.

24 103. Defendants therefore had a duty to exercise reasonable care in hiring and retaining
 25 well-qualified, objective, and diligent professionals with experience conducting large-scale
 26 investigations of national interest. Included in this duty is the duty to take necessary steps before
 27 and during the employment to ensure that each employee is fit for the position.

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SIXTH CAUSE OF ACTION

(Civil Conspiracy)

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3 114. Plaintiff incorporates the allegations contained in the preceding and following
4 paragraphs as if set forth verbatim herein.

5 115. Defendants purposefully and maliciously acted in concert with each other, and with
6 others, to release only those emails that portrayed Gruden negatively. In doing so, they intentionally
7 singled out Gruden to make him appear as the solitary bad actor at a time when Defendants were
8 facing intense public scrutiny over the mismanagement of the Washington Football Team
9 investigation.

10 116. Defendants also purposefully and maliciously intended to harm Gruden’s reputation
11 and interfere with Gruden’s contractual and prospective relationships.

12 117. Commissioner Goodell was a frequent target in the leaked emails and he retaliated
13 by harming Gruden’s reputation and ending his career with the Raiders.

14 118. Through their concerted action, Defendants caused damages to Gruden as set forth
15 by all the facts as stated herein.

16 119. Gruden has sustained and will continue to suffer damages in excess of \$15,000.00
17 as a direct and proximate result of Defendants’ conspiracy.

18 120. Plaintiff is entitled to exemplary and punitive damages as a result of Defendants’
19 oppression, fraud, or malice.

SEVENTH CAUSE OF ACTION

(Aiding and Abetting)

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22 121. Plaintiff incorporates the allegations contained in the preceding and following
23 paragraphs as if set forth verbatim herein.

24 122. Defendants were aware of the conduct targeting Gruden and actively or passively
25 participated in the conduct by aiding one or more of the other named or unnamed Defendants.

26 123. Defendants substantially assisted one another to accomplish the wrongful acts
27 committed against Gruden.

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1 124. As a result of Defendants' actions, as alleged herein, Gruden suffered severe
2 financial damages and harm to his career and reputation.

3 125. Defendants, and each of them, were aware of the conduct and intentions of the other
4 Defendants.

5 126. Through their concerted action, Defendants caused damages to Gruden as set forth
6 by all the facts as stated herein.

7 127. Gruden has sustained and will continue to suffer damages in excess of \$15,000.00
8 as a direct and proximate result of Defendants' aiding and abetting.

9 128. Plaintiff is entitled to exemplary and punitive damages as a result of Defendants'
10 oppression, fraud, or malice.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests relief as follows:

1. For judgment in favor of Plaintiff and against Defendants;
2. For damages caused by Defendants in an amount in excess of \$15,000.00 for each claim for relief;
3. For exemplary and punitive damages in an amount no less than three times the amount awarded to Plaintiff for compensatory damages;
4. For pre-judgment and post-judgment interest as provided by law;
5. For an award of attorney’s fees and costs as special damages;
6. For an award of Plaintiff’s costs, disbursements, and attorney’s fees incurred in this action; and
7. For such other and further relief as the Court may deem just and proper.

Dated this 11th day of November, 2021.

MCDONALD CARANO LLP

By: /s/ Adam Hosmer-Henner

Adam Hosmer-Henner, Esq. (NSBN 12779)
Jeff Silvestri, Esq. (NSBN 5779)
Rory Kay, Esq. (NSBN 12416)
Chelsea Latino, Esq. (NSBN 14227)
Jane Susskind, Esq. (NSBN 15099)
Zachary Noland, Esq. (NSBN 15075)
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102
(702) 873-4100
ahosmerhenner@mcdonaldcarano.com
jsilvestri@mcdonaldcarano.com
rkay@mcdonaldcarano.com
clatino@mcdonaldcarano.com
jsusskind@mcdonaldcarano.com
znoland@mcdonaldcarano.com

Attorneys for Plaintiff Jon Gruden