

PRO FOOTBALL

Vital Figure Excludes Family From N.F.L. Settlement: Date of Death

By **KEN BELSON** JAN. 13, 2018



Garrett Webster, 33, and his mother, Pam, the ex-wife of the Hall of Fame center Mike Webster, are battling to be included in a \$1 billion N.F.L. concussion settlement.

Credit Jeff Swensen for The New York Times

MOON, Pa. — When the Pittsburgh Steelers begin their march to a potential seventh Super Bowl championship on Sunday afternoon, Garrett Webster will be delivering pizza from his 14-year-old Honda Pilot.

This might surprise fans and his customers, but Mr. Webster, the 33-year-old son of Mike Webster, the stalwart center of the Steelers' dynasty of the 1970s, has to make ends meet. Playoff game days are especially busy.

Mike Webster, who died in 2002, was the first N.F.L. player to receive a diagnosis of chronic traumatic encephalopathy, or C.T.E., the degenerative brain disease linked to repeated head hits. His central role on those great Steelers teams, combined with his tragic decline, landmark diagnosis and long fight for disability benefits, led to hundreds of cases filed by retired N.F.L. players who said the league had hid from them the dangers of playing football.

Yet 15 years after his death, and two years after the courts cleared the way for a settlement that would pay an estimated \$1 billion to retired players, Webster's survivors continue to struggle financially.



Mike Webster of the Pittsburgh Steelers, known as Iron Mike, during a 1984 game against the 49ers at Candlestick Park in San Francisco. He played 17 years in the N.F.L., 15 of them with the Steelers.

Credit Dave Stock/Getty Images

The N.F.L. insisted on a provision in the settlement that could prevent players who died before 2006 from receiving compensation, which can be as much as \$5 million. The Websters have filed a claim, anyway, in an attempt to have his case included.

“Mike opened up Pandora’s box,” Pam Webster, 66, the football player’s ex-wife, said of his C.T.E. diagnosis, which has become an existential crisis for the N.F.L. because it has led to the barrage of lawsuits and to parents rethinking their children’s participation in football. “There’s no reason Mike shouldn’t be included.”

Webster’s career lasted from 1974 to 1990, ending just before the advent of free agency and the massive increase in N.F.L. salaries it sparked. After Webster retired, his declining health, escalating medical bills, long slide into dementia and years of wandering the country took a toll on Garrett Webster, his three siblings and their mother, Pam.

She exhausted her savings long ago. She lives off credit cards, Social Security and an annuity. Unable to afford a home, she has spent the past five years staying with friends and family. Careful not to overstay her welcome, she traveled during one six-week stretch to Pittsburgh, the West Coast, Minnesota, Wisconsin and then back to Pittsburgh, where she stays with Garrett.

Through it all, she and her four children have continued a fight to receive a multimillion-dollar award from the N.F.L.’s concussion settlement with retired players.



Mike Webster, far right, was enshrined in the Pro Football Hall of Fame in 1997, along with, from left, Mike Haynes, a cornerback; Wellington Mara, a Giants owner and executive; and Don Shula, a coach of the Miami Dolphins.

Credit Phil Long/Associated Press

As a part of the settlement, the N.F.L. agreed to make compensation payments that will stretch into the millions to retired players with severe cognitive and neurological problems. On paper, at least, the Websters should receive nearly \$3 million based on his age at the time of the diagnosis, 50, and the number of years he played in the N.F.L., 17. The criteria are an attempt to gauge how long players were exposed to head trauma and how directly that exposure could be linked to health problems: Younger players are paid more on the presumption that football, not old age, caused their problems.

To the Websters' dismay, they found out after the settlement agreement was announced that Iron Mike, as he was known in Pittsburgh, was not automatically part of it. That's because the deal excludes players who died before Jan. 1, 2006.

The N.F.L. pushed for a cutoff date to prevent a stream of families from filing claims for long-deceased fathers and husbands. The plaintiffs' lawyers ultimately agreed on 2006, which allowed more families to file claims, but was far enough back that it excluded the families of players who died before then from bringing wrongful-death and other suits against the league.

The Websters and other families in their position still have a glimmer of hope. The federal judge in the case, Anita B. Brody, left open a legal window for families of players who died before 2006 that their lawyers hope to exploit. Jason Luckasevic, the lawyer for the Websters, needs to show that the family still has the right to file a legal case against the league under their state's statute of limitations.

Christopher Seeger, a co-lead counsel for the retired players who sued the league, declined to be interviewed on the phone. In an email, he explained that some players objected to the 2006 cutoff date, but without a settlement that at least captured players dating to 2006, many more would face the same stringent limitations as the Websters.



Webster's game face, memorialized here in the Steelers' Hall of Honor at Heinz Field, is one of the most memorable images of the Steelers' dynasty of the 1970s. Credit Keith Srakocic/Associated Press

The 2006 cutoff date "is the result of hard-fought negotiations between the parties," he wrote in court filings in 2015. "Had the plaintiffs not secured this provision, claimants on behalf of all deceased class members would have had to show that their claims were timely."

The exclusion applies to players who died from all diseases covered by the settlement, including A.L.S. and Parkinson's disease. But it is a particularly crushing blow to the Websters and to the families of two other former Steelers, Terry Long and Justin Strzelczyk, who also died before 2006 and received the same posthumous diagnosis Mike Webster did. They spent many years listening to league officials question any connection between playing football and a degenerative brain condition, before 2016, when the N.F.L. grudgingly acknowledged a link between football and the disease.

"If you asked the 20,000 retirees who are part of the class, they would say Mike Webster should be paid first," Mr. Luckasevic said.

The league and the administrator for the settlement say that despite early hiccups and the need to weed out fraudulent claims, the process is operating as intended. More than \$150 million has been awarded and many hundreds of other claims are being evaluated.

"We are pleased the concussion settlement is proceeding as the parties and the court intended," Brian McCarthy, an N.F.L. spokesman, said.



Jason Luckasevic, a lawyer representing Pam Webster, has an uphill fight to get his case included in the \$1 billion N.F.L. concussion settlement.

Credit Jeff Swensen for The New York Times

Jo-Ann M. Verrier, who was appointed by the judge to help resolve complicated cases, said there were about 40 claims filed by the families of players who died before 2006 that have the potential to set legal precedent. That means she must make sure to create a process to evaluate them fairly. Once that process is completed, the other special master, Wendell Pritchett, will begin to rule on the claims, which will be reviewed on a first-come-first-served basis.

“We want to create a process where we can decide on these issues once and for all,” Ms. Verrier said.

Garrett Webster, though, is losing his patience.

“It’s insane that we haven’t been paid because every suit uses my dad in their case,” he said. Mr. Webster, who wore a Steelers sweatshirt to a sandwich shop here on a recent afternoon, sat near pictures of his father and other Steelers players on the walls. “If Mike Webster doesn’t happen, this case doesn’t happen,” he added.

Sitting in a booth next to her son, picking at a salad, Pam Webster said she and her children were used to delays. Starting in the late-1990s, Mike Webster and his lawyers spent years fighting for full disability benefits. After he died, a court finally ruled against the league’s disability board.

That provided a hollow victory. The Websters are also seeking a so-called Legacy Benefit payment that the N.F.L. pays to families of deceased players. That is not likely to amount to more than a few thousand dollars per month.

An award in the concussion settlement could provide the Websters with a financial shot in the arm when they really need it. While Pam Webster travels from home to home, Garrett Webster has remained in Pittsburgh, where he lived with his father in his final years.



Art Rooney II, left, the owner of the Steelers, with Pam and Garrett Webster in November. The team and family have had a delicate relationship in the years since Mike Webster's death. Credit Karl Roser/Pittsburgh Steelers

Both Webster daughters, Brooke, 41, and Hillie, 30, have been treated for substance abuse. Pam Webster said those problems were a result of the stress of seeing their father's life disintegrate after his N.F.L. career. Her other son, Colin, 38, was in the military. He has kept football at arm's length for years. "This isn't the way it was supposed to end," Pam Webster said.

After Mike Webster retired in 1990, he moved his family to Wisconsin, where he and Pam grew up. But after some poor financial decisions they lost their house. Webster occasionally made money when his friend Sunny Jani found him gigs signing autographs.

To help pay the bills, Pam Webster went to work at a restaurant, then became a personal care assistant after she found out the family had lost their health insurance. Mike Webster drifted through Pittsburgh, Wisconsin and places in between. Their marriage fell apart.

The family's relationship with the Steelers is complicated. At times, the team helped its former player and his family. At other times, especially after his behavior became unpredictable, the organization kept its distance. In November, the team invited Pam and Garrett Webster to a ceremony honoring team legends during a home game. It was the first time she attended a game since 2002, when the Steelers honored her husband after his death.

They now proudly show off cellphone pictures of the steel football they received that day. They are careful to say they do not resent the Steelers. They want only what they believe the league owes them. Through a spokesman, the Steelers declined to comment on the settlement claim.

"We don't hate football, we just are upset about Mike," Pam Webster said. But she added: "Every time we step forward, it's three steps back. One minute he's remembered, and one minute he's forgotten."