

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

CHRISTOPHER M. AMANN,)
)
 Plaintiff,)
)
 v.)
)
 PHILLIP JACK BROOKS a/k/a "CM Punk";)
 and SCOTT COLTON a/k/a "Colt Cabana",)
)
 Defendants.)

Case No.

2015L001752
CALENDAR/ROOM 9
TIME 2:00 PM
FEB 19 2015
CLERK OF CIRCUIT COURT
LAW DIVISION
FEB 19 PM 12:48

COMPLAINT

Plaintiff, Christopher M. Amann, by his attorneys, Deutsch, Levy & Engel, Chartered, as his Complaint against Defendants, Phillip Jack Brooks a/k/a "CM Punk" and Scott Colton a/k/a "Colt Cabana," alleges as follows:

COMMON ALLEGATIONS

1. Plaintiff, Christopher M. Amann ("Amann") is a resident of Will County, Illinois. Amann is a licensed medical doctor of good standing in the State of Illinois. Amann concentrates his medical practice in the areas of sports medicine and orthopedics. From 2010 through the present time, Amann has practiced medicine as the Senior Ringside Physician for World Wrestling Entertainment, Inc. ("WWE"), and in this capacity has provided and continues to provide medical care and treatment to professional athletes affiliated with WWE.
2. Defendant, Phillip Jack Brooks ("Brooks") is a Cook County resident, who, at times relevant to this Complaint, worked as a professional wrestler with WWE as "CM Punk."
3. Defendant, Scott Colton ("Colton") is a professional wrestler formerly affiliated with WWE, whose affiliation was terminated by WWE in 2009. In addition to working as a professional wrestler as "Colt Cabana," Colton hosts and distributes a weekly podcast entitled

“The Art of Wrestling” in which, among other things, he interviews professional wrestlers. “The Art of Wrestling” is published world-wide by Colton, including through a link on his website (accessible through the URLs www.welovecolt.com and www.coltcabana.com) and through iTunes. Colton also publishes his “The Art of Wrestling” podcasts via streaming services at <http://soundcloud.com/coltcabana> and on YouTube. On information and belief, Colton resides in Cook County, Illinois.

4. On or about November 26, 2014, Colton first published “The Art of Wrestling,” episode No. 226, featuring his interview with Brooks (“the Podcast”). (A transcript of the Podcast is attached as Exhibit A). Since November 26, 2014, the Podcast has been available on the internet for streaming and download through the date of this Complaint’s filing. On information and belief, as of this Complaint’s filing, the Podcast has been streamed in excess of 1,000,000 times on YouTube and more than 10,000 times on SoundCloud.com in addition to downloads through iTunes and streaming through other websites.

5. In the Podcast, Brooks repeatedly and falsely impugned the integrity of Amann as a medical doctor, stating in substance that: (i) Amann misdiagnosed a growth on Brooks’ back as a harmless “fatty deposit”; (ii) Amann willfully disregarded Brooks’ repeated requests over time that Amann excise the growth; and (iii) due to Amann’s professional negligence and failure to adequately treat Brooks, the lump grew to the size of a baseball, was purple, and morphed into a life-threatening, “full-blown” MRSA staph infection. Brooks also stated that despite his complaints to Amann of pain and discomfort from the growing baseball-sized purple lump, Amann continued to allow Brooks to wrestle and refused to excise the growth. In addition, Brooks stated in substance that Amann lacked professional competence to properly treat a concussion, prescribed antibiotics for a concussion (Transcript p. 80), and subjected Brooks to

unnecessary tests when it was “pretty goddamn obvious” Brooks had a concussion. (Transcript pp. 39-40). Brooks further stated that when he told Amann, in the midst of his “Royal Rumble” match, that he had a concussion after being struck by an opponent, Amann asked Brooks what he should do, to which Brooks “started laughing and I was just like, ‘Doctor, you are the most worthless piece of shit I’ve ever met.’” (Transcript pp. 84-85). In the course of the Podcast, Colton affirmed Brooks’ statements and assisted Brooks in depicting Amann as a doctor who negligently did not excise the alleged growth because he was “lazy,” to the point where the growth became so large and dangerous, “it had teeth.” Colton urged listeners to “hear the struggle” and “hear the heartache” in Brook’s statements in which he was telling “the whole story” so listeners would “understand what [Brooks] was going through and why the decisions were made.” (Transcript pp. 4-5, 7).

6. In the Podcast, Brooks and Colton made and published the following statements with regard to Amann’s purported misdiagnosis, failure to adequately treat Brooks, and lack of competence and ability as a medical doctor who placed his employer’s business interests above his patient’s medical needs:

Brooks: The big thing that led to my decision [to leave WWE] was my health.¹
(Transcript p. 19).

...

...so Doc was leaning on me going “Do you want me to -- do you have a concussion or can you go to Europe,” kind of thing. And I was just like you fuckin’ -- you pigs, I’ll go to Europe, whatever.

After the European tour, the whole European tour I’m dry heaving after every match...I’m on all fours after every match and I’m either puking for real or I’m just dry heaving because I don’t have anything in my stomach. I have no appetite. I don’t know

1. In the Podcast, Amann is initially identified as “Doc.” Reasonable listeners would identify “Doc” as Dr. Amann because in the Podcast Brooks specifically names Dr. Amann (Transcript p. 45) and Amann was the “Doc” (doctor) on duty at the “Royal Rumble” referred to by Brooks in the Podcast.

what is up and what is down. I can't sleep, I can't fuckin' train.
(Transcript pp. 73-74).

...

Doc -- Doc is giving me -- Doc's like, "Oh you're sick, here's a Z-Pak." They Z-Packed me to death, so much that in December I shit my pants on a Smack Down because that's what antibiotics do to you, right?
(Transcript p. 74).

...

Somewhere along the way I get this fucking lump on my fuckin' back. This is where it gets good. So I go to Doc and I go, "fucking look at this, this wasn't here last week, what is that?" Oh it looks like a -- a -- a -- what did he call it, not a hematoma, a fatty, I don't know, he said it was like a fatty deposit. He asked me if it hurt, I said no, I said, but it wasn't there last week, and it's been a long tradition in the WWE locker rooms, when somebody has something like that Doc cuts it out, everybody watches it, people film it, it's the weirdest fuckin' thing.

Colton: Yeah.

(Transcript pp. 78-79).

...

Brooks: So they -- they tell me no, we're not going to do anything about it because it's just -- it's just like a fatty deposit, whatever, it's like a calcium deposit, whatever, so I fuckin', I let it go, fine. It gets bigger. A couple months later, I'm like, "This things got fuckin' bigger."

"Does it hurt?"

"No."

"Well, then, let's just leave it."

"Let me ask you something, Doc, are you just -- is that like your medical opinion or are you just a lazy piece of shit and don't want to fuckin' do it, because I've seen you cut a million of these things out of somebody."

"Well, you got to wrestle tonight," and blah, blah, blah, "and it might need like a stitch." I'm like, "So fucking what? You've put 14 staples in my forehead and then I've had to go out that same