

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

BRUCE IBE, JASON MCLEAR, ROBERT  
FORTUNE, DEAN HOFFMAN, KEN LAFFIN,  
DAVID WANTA, and REBECCA BURGWIN,

Plaintiffs,

vs.

NATIONAL FOOTBALL LEAGUE,

Defendant.

**Civil Action No. 3:11-CV-00248 M**

**PLAINTIFFS' EMERGENCY MOTION FOR IMMEDIATE ISSUANCE OF SUBPOENA  
FOR PERSONAL APPEARANCE OR, IN THE ALTERNATIVE,  
ORDER TO SHOW CAUSE**

Plaintiffs Bruce Ibe, David Wanta, Ken Laffin, Robert Fortune, Dean Hoffman, Jason McLear, and Rebecca Burgwin hereby move pursuant to Rule 45 of the Federal Rules of Civil Procedure for the immediate issuance of a subpoena to Mr. Scott Suprina, or in the alternative, an order to show cause as to why he should not be required to immediately appear before this Court. Plaintiffs' motion is based on the following:

Between approximately 10 a.m. and 11 a.m. this morning Central Time, an article was posted on espndallas.com entitled "Scott Suprina: We're Not to Blame." In the article, posted at [http://espn.go.com/dallas/nfl/story/\\_/id/12460429/president-seating-solutions-disputes-blame-super-bowl-xlv-seating-fiasco](http://espn.go.com/dallas/nfl/story/_/id/12460429/president-seating-solutions-disputes-blame-super-bowl-xlv-seating-fiasco) [See Ex. 1], Mr. Suprina alleges that the NFL successfully influenced his testimony through the promise of financial gain (aka witness tampering). As the Court is well aware, Mr. Suprina was the very first witness called by the NFL in its case in chief and is one of two primary witnesses the NFL relies on to prove that the NFL did not engage in fraud as it relates to Plaintiffs' Hoffman and Fortune.

If the allegations in the article are true (and Plaintiffs do not know whether they are true), their effect on this matter cannot be overstated. Among other things, Plaintiffs believe that they at a minimum would be entitled to reopen their case to present such evidence to the jury and/or a mistrial.

For each of these reasons, it is imperative that Plaintiffs be immediately allowed to get to the bottom of this matter by requiring Mr. Suprina to provide sworn testimony under oath in this Court for, among other things, an appropriate proffer.

Moreover, there can be no legitimate claim by Mr. Suprina that he does not "regularly transact business" within this district. See Ex. 2.

Dated: March 11, 2015

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this filed pleading is being served upon all counsel of record through the Court's ECF delivery system, as provided by the Local Rules at or shortly after the time and date of filing.

Additionally, Mr. Suprina's counsel (Terry Klein) is being provided a copy of this motion by email, with a call alerting him to this fact.

DATED: March 11, 2015

\_\_\_\_\_  
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**ESPN.com: NFL**

[\[Print without images\]](#)



Wednesday, March 11, 2015

## Scott Suprina: We're not to blame

By Darren Rovell  
ESPN.com

More than four years of silence is enough for Scott Suprina.

On Wednesday, the president of Seating Solutions, the company blamed by some as one of the reasons temporary seating wasn't built in time to accommodate fans at Super Bowl XLV in Arlington, Texas, broke his silence.

Suprina told ESPN.com that he had stayed out of the news and deflected blame from the NFL during a deposition for the federal trial, in which fans who didn't find the seats they paid for have sued the NFL, because league officials told him that it was in his best interests to stay in their favor.

"They encouraged me not to tell the whole story," Suprina said. "They reinforced what my position should be before the deposition."

DreamSeat LLC, a sister company of Seating Solutions, had its license to put NFL logos on furniture revoked three days after the Super Bowl seat debacle, Suprina said, costing him millions of dollars in future orders. Suprina said he was led to believe that if he didn't throw the NFL under the bus, DreamSeat -- which previously had an NFL license for four years -- would get its license back.

But last year, after resubmitting an application, Suprina was denied a license by the NFL.

Motivated by the fact that the closing arguments in the trial would be made Wednesday in Dallas, Suprina said he believed it was time to talk.

In a deposition played last Wednesday for the jurors, NFL commissioner Roger Goodell took the blame for the fact that 1,250 temporary seats were deemed unsafe and were not ready for fans. But that didn't comfort Suprina.

"He took the blame, but eight other NFL employees already blamed us, say that we screwed up," Suprina said. "They put eight times the amount of propaganda out that it was our fault."

While much of the blame has centered on Suprina's company not doing its job on time, he says there were many factors -- some of which have not yet surfaced -- that contributed to the issue.

One was lack of manpower.

Suprina admitted for the first time that the NFL failed five of his employees on background checks.

"They never told us why," Suprina said. "But if my guys failed, I'm sure some of the players on the field that

day would have failed."

The other main issue being overlooked, according to Suprina, was irresponsible tardiness on the part of the [Dallas Cowboys](#) and the league.

"They didn't send our drawings to permit approval until a month before the game," Suprina said. "We were already on site at that time to do our jobs, which we couldn't do."

Add that to the bad weather that week, and Suprina said the job was impossible.

"The weather kicked our butt," Suprina said. "Everyone talks about two days being lost because of the snow. The threat of ice coming down from the roof lasted forever. We weren't even allowed to work."

An NFL spokesman said the league would have no response to Suprina's comments.

Suprina at least agreed with Goodell that the league was to blame.

"My contract was with the Cowboys, as was the other four events that we installed temporary seating in that building [for]," Suprina said. "No one ever told me that for the Super Bowl, the stadium and all the decision-making belongs to the NFL. They took the ball out of my hands and took over how they saw fit."

Suprina said he laughs at some of the comments that have come out throughout the trial, including the idea that his company tried to use bicycle racks as railings and that his guys walked off the job.

"We did walk off the job," said Suprina, "when we saw people walking to their seats."

If his company did such a bad job, Suprina wonders why the Cowboys hired it to be the official firm for any temporary seating jobs at AT&T Stadium, a contract that is still active.

Suprina said he is shocked that the league didn't settle with the final seven plaintiffs who didn't take the NFL's offers to make things right.

"I can't even comprehend how the NFL let it get this far without settling it," Suprina said. "Other than what I've seen before: ego."

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## Baylor and Populous giving new stadium some room to grow

Published September 23, 2013



**BREAKING  
GROUND**  
DON MURET

The downward trend in college football attendance has architects designing smaller stadiums that can grow in future years.

The sport has seen a 2 percent decrease in average attendance over the past four years, according to NCAA figures. It's a small number but one that concerns athletic administrators as they take a harder look at how to fill seats by improving the fan experience.

On the design side, sports architects are developing new facilities that have infrastructure in place to expand depending on ticket demand.

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## Recent Issues

Baylor University's new stadium in Waco, Texas, is one example. It opens in August with 42,500 fixed seats and standing room for 2,500 more.



Baylor's new stadium on the Brazos River, shown in a rendering, will be expandable to a capacity of 55,000. Image by: POPULOUS

The stadium has the potential to add 10,000 more seats, most likely in the end zones and upper deck along the east sideline for a capacity of 55,000, said **Jeff Spear**, a senior architect and principal with **Populous**, the project's design firm.

"People aren't going to games as much," Spear said. "Nobody wants to play in an empty building. Schools are looking at [the trend] and if there is a surplus of demand, there are strategies in place to grow."

Baylor officials are aware of capacity issues. **Floyd Casey Stadium**, the Big 12 school's home now, opened in 1950 with 50,000 seats. Over the past 10 years, that number was reduced to 47,000 after Baylor removed 3,000 seats in the south end zone and put a tarp over that space. (School officials stopped short of saying the tarp was added to cover unsold seats. It was done more as a "beautification project," said **Nick Joos**, Baylor's executive associate athletic director of external affairs.)

Last year, Baylor's average football attendance was 41,194 for six home games. Over the past 62 years, only five crowds have reached 50,000, including a record 51,385 for the Texas A&M game in 2006.

The tarp was removed for that game, and Baylor expects to do



the same Dec. 7 against Texas, an event expected to fill the building for the stadium's final game. The south end zone will be sold as general admission, Joos said, with tickets priced about \$50.

For the new stadium, the demand for premium seating among current donors has exceeded the number of suites, club seats and loge boxes planned for the facility, said **Doug McNamee**, Baylor's assistant athletic director for premium sales and services.

The seats that could be added later are not premium seating, but that could change, for example, by introducing a new higher-end product in the end zones, Spear said.

As it stands now, there are six founders suites, 39 regular suites, 1,200 club seats and 77 loge boxes. All premium seats are tied to annual donations, including seven-figure gifts for the 20-seat founders suites.

All told, donations from premium seating have exceeded \$100 million, McNamee said. Baylor has exceeded its goal of raising \$125 million to \$130 million for a project with a cost totaling \$250 million, Joos said.

The balance is being funded through a city bond issue and television revenue Baylor receives from multiple sports networks, he said.

Baylor is not the first college stadium development with room to grow. Spear was project designer for Minnesota's **TCF Bank Stadium**, a building that opened in 2009 with 50,000 seats that can expand to 80,000.

In Charlotte, **DLR Group** designed **Jerry Richardson Stadium**, the University of North Carolina-Charlotte's new football facility. It opened last month with 15,000 seats. There is room on the east side to expand to 40,000 seats after UNCC moves up to the Football Bowl Subdivision in 2015.

> **ALL'S WELL: Seating Solutions**, the New York vendor tied to the 2011 Super Bowl seating fiasco at **AT&T Stadium**, recently signed a three-year deal with the Dallas Cowboys as their exclusive rental seating company.

The agreement is proof the two parties have put the unfortunate events of the NFL championship behind them, said **Scott Suprina**, Seating Solutions' owner.

The first project tied to the deal is installing 2,628 temporary seats for the Baylor-Kentucky men's basketball game Dec. 6 at the stadium.

For Suprina, there's a silver lining after 1,250 Super Bowl ticket holders were left without seats when several sections of temporary seats were not usable for the game. Seating Solutions now tops the list of Google searches for "portable stadiums."

"Even bad press is good press," Suprina said.

*Don Muret can be reached at*

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