

Affidavit of Steve Pincock

I, the undersigned Steve Pincock, hereby swear and affirm that the following is a true and accurate recitation of the statement which I previously provided orally to officials of Texas Tech University on Monday, December 21, 2009, in Lubbock, Texas. I have personal knowledge of the information contained in this affidavit.

1. I am over the age of 18 years and am of sound mind.
2. I am employed by Texas Tech University as the Head Football Athletic Trainer. This is my eighth season at Texas Tech. I have a partial reporting line to coaches with respect to their specific players.
3. After practice on December 16, 2009, Adam James ("James") reported to another athletic trainer Mark "Buzz" Chism, that he had suffered an injury during that evening's practice. He filled out a Sport Concussion Assessment Tool 2 (SCAT 2), which we use in treating athletes who complain of head injuries. In that form James reported that he had the following symptoms: headache, neck pain, dizziness, blurred vision, balance problems, feeling like he was in a fog, and that he didn't feel right. I received and reviewed the form.

In the morning on December 17, 2009, James reported to the training room for treatment. He was examined by the team physician, Dr. Michael Phy, who diagnosed him with a minor concussion. Dr. Phy informed me that James should not practice and that he should not perform exercise that would increase pressure in his head, and be symptom free for one week.

4. In the afternoon of December 17, we had practice on the practice field. I was on the field at the time that James showed up for practice. Injured players are placed in an area on the field referred to as "muscle beach" to participate in activities that are consistent with their respective injuries. James arrived for practice wearing street clothes, his cap on backwards, and sunglasses and began walking around the field in a very nonchalant way. He was not wearing the standard jersey and cleats or workout gear expected of all players during practice, including injured players.
5. When head coach Mike Leach ("Leach") saw James on the field, he called me over to him on the field and asked what James was doing. I was approximately 40 yards away. I told him that James had sustained a concussion and was walking the field, which was standard for players with a concussion. Leach was upset and concerned about James' appearance and attitude. Leach said he did not want him loafing while the players were working. Leach told me to place James in a dark place near the practice field. Leach further said something to the effect that he wanted me to tell James that I was to "lock his fucking pussy ass in a place so dark that the only way

he knows he has a dick is to reach down and touch it," which I repeated to James. Leach further told me to have him stand in the dark during the entire practice. He did not want James on the field, and he did not want James in the training facility. He did not want to see James. He wanted James to be uncomfortable. He did not want him showing poor effort.

6. I took James and Jordan (an undergraduate student athletic trainer) to the sports medicine/athletic training shed near the field. At that time, all coolers or water containers were removed from the building so James could not sit on them. Leach ordered me to place James in the dark, enclosed area where he could not sit or lay down. The shed is a portable building that is used to store items like coolers and other equipment, which are used for practice. It is approximately the size of a single car garage. It has an overhead garage-type door. It does not have windows. After repeating Leach's words, I told James that he was to stand in the dark for the entire practice. He was not supposed to sit down. I told him I would get him out when practice was over, and I shut the door. When I went to check on James after approximately 30 minutes, Jordan told me he had just checked on James and found him on the floor. Leach had also instructed me to have a student trainer sit outside the shed to make sure he was standing and that he did not leave. I told Leach where I had placed James, and he was fine with it.
7. Once practice, which lasted for approximately 2 - 3 hours, was over I removed James from the shed. I told James I was sorry for having to place him in a dark shed but that these were Leach's instructions. I do not agree with this form of treatment for anyone, and I discussed this with James.
8. On December 18, 2009, James reported to the training facility for treatment. I examined him and another SCAT2 was filled out. In this form James reported the following symptoms: Headache, neck pain, dizziness, sensitivity to light, sensitivity to noise, didn't feel right, fatigue or low energy and drowsiness. There was no practice.
9. On December 19, 2009, we had practice at the stadium field. James came to practice but was still not allowed to participate due to his injury. He was dressed in appropriate attire. Leach again asked me to place James in the same shed he was in during the last practice. I was standing in the Stadium next to Leach and Zane Perry. Perry mentioned using the media interview room. I located James and Jordan and walked to that room. I noticed an electrical closet in the room, and walked inside. I commented on the noise in the room, and told him not to go in that room. All chairs and items that might be used for sitting were removed from the room, with the exception of two large tractor tires, and the student trainer was placed outside the room to check on James and to ensure James was following instructions

to stand in the dark and that he did not leave. The media room was very dark and cold. Leach was aware of where I placed him and was fine with it.

10. On December 20, it was my understanding that James no longer had symptoms of a concussion; therefore, we placed him on standard cardio treatment in the training room with the lights dimmed while the team practiced.

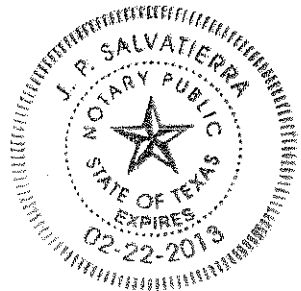
11. I am not aware of any other football player at Texas Tech University ever being placed in a darkened shed or room similar to James. Other players who have sustained concussions in the past were sometimes placed in the physician's examination room with the lights dimmed, or in the weight room or athletic training room. I feel that Leach's treatment of James was inappropriate, and I did not agree with it. However, I felt I had to follow the instructions of the head coach.

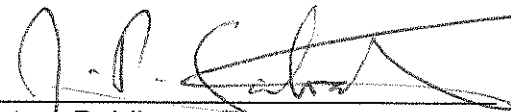
12. I hereby swear that the above and foregoing statements are true and correct.



Steve Pincock

Subscribed and sworn to before me this 1st day of January, 2010.





Notary Public