

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BROOKE C. DELENCH
Plaintiff

V.

KIMBERLY ARCHIE
Defendant

Civil action No. 1:18-CV-12549-LTS

I, Brooke de Lench, being duly sworn, depose and say as follows:

1. I am the plaintiff in the above-captioned lawsuit and give this affidavit in support of Plaintiff's Memorandum in Opposition to Defendant's Motion to Dismiss Plaintiff's First Amended Complaint.

2. I begin by saying that I have tried to write this affidavit many times in many places; sitting by Walden Pond in the dead of winter, in my church by the bay at sunrise. All safe places for me. All places where words have flowed naturally to me while writing books, film scripts, blogs, and hundreds of articles on child protection in sport over the past twenty years.

3. Each time I began this affidavit, my heart pounded, I froze in terror and I quickly decided that it is an emotionally and physically destructive exercise to think about the sheer hell the defendant, Kimberly Archie ("Ms. Archie"), has put me through for the past four years. A hell that should never seep into my safe havens, yet, it does, and it won't quit. Not at 3 in the morning when I bolt awake after reading that Ms. Archie has tweeted another broadside attacking me, not on my bike ride home from the office in June of 2017 when, distracted by her online trolling and defamation, I suffered a significant bike accident which required months of physical therapy and ultimately total hip replacement surgery nine months later.

4. After four years of this nightmare, and doing my best to resist responding to Ms. Archie every time she defamed me, I have found that the best way to deal with her bullying and trolling has been to ignore her.

5. Unfortunately, having exhausted other options, I was left with only one choice: to file suit against Ms. Archie and spend countless hours piecing together an account of how she damaged my reputation and how it has left me in a constant state of anguish and anxiety. No one ever wants to go through this. Even when I think one of her tweets attacking me from three or four years ago will never surface again, it does, as they live on unless they are deleted. A simple search by anyone wanting to learn more about me will see her defamatory tweets about me. See

EXHIBIT A

6. I need the Court to know that the past four years have been one long nightmare of depression, anxiety, sleep terrors, emotional and physical pain and inability to work to my full capacity, over the course of which I have been forced to sit helplessly by while Kimberly Dawn Woods Bright White McGee Archie executed her strategically and cunningly concocted plan to elevate herself by destroying me, my reputation, and my body of work.

7. I have tried to deal rationally with Ms. Archie's defamation and her cabal of followers who see her as a victim. But there has been no way to deal with her rationally. Defamation and trolling as she has done is not rational. A jury will hopefully learn that, as a journalist and published author who has written extensively for MomsTeam.com, SmartTeams.org, *Huffington Post*, *Medium*, and a number of newspapers around the nation, Ms. Archie knew that it was highly improbable that I would see any value in being an Internet troll maintaining multiple anonymous social media accounts as Ms. Archie routinely claims. I have my own voice and platforms. There is nothing for me to gain by what Ms. Archie has accused

me of doing. On the contrary, it made perfect sense for Ms. Archie to routinely troll and defame me.

8. I have written and spoken about bullying and harassment in sports for many years. As a founding member of the International Safeguards of Children in Sports, a global coalition of 32 organizations working to make sports safer, I have learned to ignore people who defame and bully and they will go away, but, if they don't, we need to fight back. **EXHIBIT B**

9. With the help from a number of people I have been able to determine that while Ms. Archie picks online social media fights with many professionals (MDs, PhDs, lawyers, etc.) to try to prove she is more knowledgeable, she has many, many enemies. **EXHIBIT C.** Yet I am the only one, as far as I know, that she ever accuses by name of being an anonymous troll, even though she claims there are many **EXHIBIT C-1.**

10. I know that she perceives me as a direct threat to her livelihood because, as a journalist writing about what science is telling us about chronic traumatic encephalopathy (CTE), I make it more difficult for her to make a name for herself by engaging in fear tactics. There is nothing someone peddling fear likes less than a truth seeker.

11. Over the span of four years I have tried everything I can to avoid having to file this suit against Ms. Archie, including sending numerous emails to her and having my attorney send her and her cabal a number of cease and desist letters. Those cease and desist letters, and this lawsuit, contrary to what Ms. Archie would have the court believe, were never intended to chill Ms. Archie's free speech rights. I was forced to file this lawsuit, not because I wanted to prevent Ms. Archie from lobbying for legislation to ban tackle football for athletes younger than fourteen, but to seek redress through the courts for the actual damage her campaign of harassment, bullying, trolling, and defamation has caused me to suffer.

12. If my case is allowed to go forward, I will show how Ms. Archie has made it her mission over the past five years to first undermine and then outright bully, harass, and damage and destroy my reputation as a trusted, well respected source in child rights, protection and the safety of young athletes.

13. I will show that Ms. Archie's campaign against me is part of a well-thought-out plan, concocted with the help of a public relations firm, to brand Ms. Archie as a 'legal expert', the "Mother of Youth Sports Safety" and the "Erin Brockovich" of youth sports safety, all with the goal of establishing her as the 'leading voice in child protection in sport' and, after her son died in September 2014, to portray her as a 'grieving CTE mother' and victim to use as a calling card in order to gain admission into the 'family' of grieving mothers and wives and ex-wives of former NFL players diagnosed after death as having suffered from CTE. Her goal has always been to portray herself to the media as an expert, all as part of a plan to drive legal cases to the Los Angeles law firm where she is a paralegal and to other law firms around the nation. Not surprisingly, given how Ms. Archie has defamed, bullied and trolled me, there are many who are not buying her claims and have banned her from certain social media groups to which she has tried to gain entry. **EXHIBIT D**

14. If my case is allowed to go forward, I will reveal the motives around her campaign to harass and defame the reputation that I have earned over the past twenty years. I will show how Ms. Archie has parlayed taking a few legal courses, being the head of a number of front groups which she portrays as non-profits but which have not ever sought non-profit status **EXHIBIT E** and a successful lawsuit against the high school where her cheerleader daughter Tiffani broke her arm into "concoct[ing] a plan" with an attorney from the law firm of

Masry & Vittoe “to engineer the legal civil rights movement for child athletes,” and to convince attorneys that she could become a rain maker for them. **EXHIBIT F**

15. The following excerpt from a *Daily Beast* article shows how Ms. Archie came up with her plan to become the so-called ‘Erin Brockovich’ of youth sports safety: “After a paralegal class Archie and Tiffani were taking together showed the movie *Erin Brockovich*, Archie was inspired to send off a blind message to the firm, Masry & Vittoe. That same day, she heard back. During a lunch with a member of the firm, they concocted a plan, ‘to engineer the legal civil rights movement for child athletes,’ she said. Eventually, Archie began consulting [for] Girardi & Keefe, the attorneys representing the plaintiffs in what would become the billion-dollar NFL concussion settlement. See *The Mom Winning the Fight to Save Kids’ Brains From Football* <https://www.thedailybeast.com/the-mom-winning-the-fight-to-save-kids-brains-from-football?source=twitter&via=desktop> via @thedailybeast) **EXHIBIT F**

16. If my case is allowed to go forward I will show that I have never been behind any of the anonymous burner accounts that Ms. Archie continues to tell her Twitter followers, MomsTEAM underwriters, the media and other influential and reputable journalists, I use to harass her, even as the evidence will show that there are perhaps a dozen or more people who have a personal vendetta against her: people who actually never harassed Ms. Archie (from what I have seen) but simply seek the truth and question her motives in publicizing her claims that her son died from CTE, which she is using to maximum advantage in order to wage all-out war on youth football, including as the named plaintiff in a class action lawsuit against Pop Warner Football in which she claims that the years her son played youth football caused his CTE.

17. Some of the anonymous Twitter accounts Ms. Archie says I have been using to harass her seem to be asking questions about a rumor that has been circulating that Ms. Archie’s

son Paul Bright, Jr. did not actually have CTE and “massive brain trauma from CTE,” as she claims, but that his brain, upon autopsy, was only discovered to have “CTE-like lesions.”

Indeed, in the recent book *Brainwashed*, the rumor appears to have been lent credence by the co-author, Boston University neuropathologist Peter Cummings, MD, who, after reviewing the pathology report states at page 186 of the book that Mr. Bright categorically did not have CTE.

[EXHIBIT G and Exhibit H, FI]. (I note for the record that Paul Bright, Jr.’s brain was received at Boston University seventeen days after he died, so as to make it virtually impossible that I knew about the brain autopsy within two days of his death as Ms. Archie has falsely claimed)

18. I intend to show that it is Ms. Archie who has created a number of anonymous social media accounts to use to attack me, even to the point of using the account of her friend, Dr. Enrico Esposito, to tweet an attack on me **[EXHIBIT J]**. Once I am able to gain access to information requested from Twitter **[EXHIBIT K]**, the court will learn that Ms. Archie controlled three or more anonymous accounts. I requested that my attorney subpoena the list of accounts from Twitter to prove that none of the accounts Ms. Archie has accused me of controlling are mine. This can be easily determined by establishing the IP location of each account she claims is mine and by matching it with my IP location. I have also requested information to show where I was tweeting from at any point in time. Providing twitter files is a simple way to establish that Ms. Archie has falsely accused me of tweeting from anonymous accounts.

19. The court will see that Ms. Archie has spent far more time on social media than I. By my count, she has posted well over 766 hours’ worth of tweets over a 10-year period of time, most of which were created since 2013. The court will see that, by contrast, I have only spent 58

hours on Twitter over a ten-year period of time, with many consisting of nothing more than links to my articles, photographs from PowerPoint presentations at conferences and summits I have attended, and retweets of posts by scientists and journalists. **[EXHIBIT L]**.

20. The evidence will show that Ms. Archie uses me as her foil by accusing me of being a “CTE denier” when in fact I was one of the first journalists writing about CTE back in 2006, and one of the first to acknowledge the serious nature of the disease **[EXHIBIT M]**. I am a CTE truth seeker. Ms. Archie apparently cannot handle the fact that I do not spread fear as she does, but instead have written about how the “media is in front of the science” on CTE **[EXHIBIT N] and [EXHIBIT O]**.

21. In fact, the respected medical journal, *The Lancet*, recently published a request similar to ones that I and my colleagues at MomsTEAM have made, by sixty-one of the leading experts on traumatic brain injury in sports calling for balance when reporting on CTE’ **[EXHIBIT P]**:

“As clinicians and researchers in traumatic brain injury and neurodegeneration, we are concerned by the tone of reporting on chronic traumatic encephalopathy (CTE) that has developed over the past decade, highlighted in an article in *The New York Times*.¹

Misleading reporting can have unintended, negative consequences and we call for balance from the medical and scientific communities and the media when communicating on issues related to CTE.

Contrary to common perception, the clinical syndrome of CTE has not yet been fully defined, its prevalence is unknown, and the neuropathological diagnostic criteria are no more than preliminary. We have an incomplete understanding of the extent or distribution of pathology required to, [continued in exhibit] “

The Lancet editorial echoes the views expressed by a number of respected brain injury scientists in an earlier editorial in the *British Journal of Sports Medicine*. **[EXHIBIT Q]**.

22. Ms. Archie claims in her Memorandum in support of her Motion to Dismiss that she was somehow justified in believing that I was harassing her from anonymous Twitter

accounts because I am pro-youth football and do not like how she is trying to end youth football. I will show that I never allowed my own three sons to play football before the age of fourteen (and only one son chose to play for 3 years) and that, while I am on record as not recommending that kids play football before high school, I am not a zealot but a realist and choose to use my knowledge and that of evidence-based studies to reduce the risk of brain and other types of injury for all children who choose to participate. **[EXHIBIT R]**.

23. Unlike Ms. Archie, I am not involved with any legislation to ban youth football and have never written about such legislation or participated in any lobbying against such a bill.

24. If my case is allowed to go forward, I will show that, as a well-established and trusted source in the field of child athlete rights and safeguards, I do not profit from fear mongering, being a provocateur and driving legal suits to law firms as Ms. Archie does. Unlike Ms. Archie I am not a rainmaker for law firms.

25. My knowledge and expertise has come from years educating through my writing, public speaking, producing risk reduction programs and workshops and providing hands on in-the-trenches, up in the bleachers real time conflict resolution and creating blueprints for leagues and school to use to reduce the risk of injury in their programs (physical, emotional and sexual) I have become a leader in my field of sports safety, a position I have held for the past two decades but which I have seen slowly slip away because of the emotional and reputational toll Ms. Archie's defamation has taken on me.

26. Unlike Ms. Archie, I have created a body of work and a reputation for being a pioneer and leader in keeping children safe in sports. This is why, I believe, she has chosen to attack me. I am a frequent keynote and TED talk speaker on youth sports safety and a wide range of other youth sport parenting topics, from sports concussions to stemming the tide of sports

dropouts. A few of my most recent high-profile talks with large, reputable national organizations, include an appearance at the American Medical Society of Sports Medicine (AMSSM) Annual Conference Houston, TX (April 12, 2019), where I talked about what worries parents most about early sports specialization; and a lecture at the International Olympic Committee (IOC) World Conference On Prevention Of Injury & Illness In Sport in Monte Carlo, Monaco, where I provided my proven blueprint for Reducing Concussion Risk for Young Athletes to an esteemed audience of world renown clinicians.

27. I have long planned to write two new books about children playing sports and how I have made them safer, but I cannot begin to write the books while Ms. Archie is defaming me, as I am terrified that, if I do, she will escalate her already four-year campaign of bullying, harassing, and smearing me.

Signed under the pains and penalties of perjury this 30th day of April 2019.

/s/ Brooke de Lench /s/
Brooke de Lench