Documents turned over to the NCAA in July of 1998 by Petitioner repeatedly revealed a pattern of behavior by the aluminum bat manufacturers designed to cover-up the truth and mislead both the NCAA and the public. (Exhibit 13) One example of how the two major aluminum bat manufacturers have worked together to deceive the NCAA is found on a fax cover sheet that was accompanied by Richard Brandt's second draft of a supposedly "independent" field test report on bat performance. One aluminum bat company executive wrote to the other, "I think this is the time to hit the NCAA with the ball COR (coefficient of restitution) and small difference in 1.15 vs. 1.14 BPF." Also found on the fax cover sheet was the directive to "Blame the ball." Amazingly, executives from both companies were allowed to edit the report before it was sent to the NCAA.

At the end of the "independent" report, there is a note "Good job Richard!! (Dr. Richard Brandt) Thanks a bunch", Dewey. (Dewey Chavin, Easton Sports). This document was faxed from Easton directly to Louisville Slugger for changes before going to Dr. Brandt for publishing. (Exhibit 30)

The Rules Committee learned in July 1998 that most of the information it had been receiving from the aluminum bat manufacturers had been fabricated in an attempt to cloud the issue and hide the facts. The modus operandi of the aluminum bat manufacturers is to confuse and mislead. By confusing and misleading the Rules Committee, governing bodies, coaches, players, media and parents, it is their hope that the issue will never gain enough support for change. Delay! Delay! Delay!

Another reason this unreasonable risk of injury has been allowed to continue is due to the lawsuits and threats of lawsuits that have been engaged by the aluminum bat manufacturers. The governing bodies have been reluctant to set meaningful performance standards for fear of litigation from the manufacturers. This fear became a reality when Easton filed a $267 million antitrust lawsuit against the NCAA after it announced that its

Executive Committee had approved a nonwood bat-performance standard with a maximum exit velocity of 94 miles per hour.

Likewise, when Easton learned that most Division I, II and III conferences were wanting to use wood or wood composite bats beginning in January 1999, its legal counsel issued a threatening letter to Conference Commissioners. In the letter, Easton's counsel stated, "We understand that your conference is considering adopting the NCAA's new baseball bat requirements even before the August 1999 date set by the Executive Committee of the NCAA. We believe this would be a very serious mistake, which could force Easton to begin litigation against your conference to protect its interests." The letter concluded with the following statement: "Thus, there is no reason for a rush to judgment here. Safety is not being compromised. By the time the rule is to take effect, Easton's $250 million antitrust lawsuit against the NCAA will have been resolved or gone to trial. Any more rapid action will only spawn more expense, more mistakes and more litigation." (Exhibit 31)

A third reason this unreasonable risk of injury has been allowed to continue is due to the influence of money. In the early 1990s, Easton and Louisville Slugger began signing coaches from the top Division I baseball programs to personal-service contracts. In addition to free bats, bat bags, batting gloves, t-shirts, etc., the manufacturers paid the coach to exclusively endorse their products. Top coaches earned anywhere from $15,000-$30,000 in the early years and now earn as much as $80,000. These coaches are now on the payroll of the aluminum bat companies, and have a vested interest in seeing that the company's products are used at the college level. The bat companies have repeatedly called upon these coaches to lobby for no rule changes. (Exhibit 31B)

This fact was made painfully clear in a 1998 game between Texas Tech and Kansas in which a Kansas relief pitcher was hit by a line drive that shattered his kneecap. As the player was taken off the field, Texas Tech coach Larry Hays said to first base umpire Dave Yeast that something needed to be done with the bats to give pitchers a chance. When Yeast asked why nothing had been done to date, Hays commented,

"Because all of us Division I coaches are making too much money from the bat manufacturers."

In the documents turned over to the NCAA by Petitioner, a former Louisville Slugger Consultant, it was revealed that Louisville Slugger and Easton had worked together to fix the prices of aluminum bats on the market, thereby commanding higher and higher prices. Dealers are required to sell bats at fixed prices or lose their dealership (Exhibit 32). The aluminum bat manufacturers are fearful of a batted-ball exit-velocity standard because it will force them to be competitive in a market with approximately 17 other manufacturers, thereby causing a substantial decrease in the extraordinary profit margins they are enjoying from aluminum bat sales.

The aluminum baseball bat manufacturers know that sales are driven by technological innovations. They feel the only way to profit in this very competitive industry is by developing a nonwood baseball bat that performs at a higher rate than the competition in terms of batted-ball exit velocity and overall performance. Above all, they fear a competitive market if wood-like bat performance standards are approved by governing bodies and all bats have to perform the same as wood bats.

Deceit, lawsuits, threats of lawsuits, and the influence of money have driven this issue for the past fifteen years. Despite the extensive independent testing that has been done by James Sherwood and Dr. Crisco, which has provided ample scientific bases for both the need and the ability to implement a wood-like performance standard, and despite the recommendation of the Research Panel, the Rules Committee, Dr. Sherwood, Bahm Research, and the Executive Committee to implement a wood-like standard, deceit, lawsuits and the influence of money have once again resulted in a compromise with the aluminum bat manufacturers. Unfortunately, it has done so at the expense of the health and safety of the athlete.

Summary of Engineering and Technical Studies

The following independent engineering and technical studies have been conducted to assess the performance of aluminum bats versus that of a traditional wood bat. As the studies reveal, the exit velocity and level of performance are significantly higher for aluminum bats than for traditional wood bats, which creates an unreasonable risk of injury for the athlete.

Program to Develop Baseball Bat Performance Procedures Using a Dynamic Hitting Machine and Provide Verification with Laboratory Test Methods, presented by Fallon/ Sherwood/Collier/Mustone to Major League Baseball. The researchers conducted an independent evaluation of the Baum Hitting Machine and found that the test configuration and test procedures ensure an accuracy of measured exit ball velocities within 1 mph on a precise hitting trajectory. They also concluded the difference in ball-exit velocity measurements between wood and aluminum bats is approximately 3-4 mph for the Raw Data Method, and 7-8 mph for the Relative Bat Performance and Projected Field Performance Methods. (Exhibit 33)

Wood Bat Ball-Exit Speed Database, presented by James Sherwood. The researcher calculated the average ball-exit speeds for 32-inch / 29-ounce, 33-inch / 30-ounce and 34-inch / 31-ounce wood bats using the Baum Hitting Machine. The 32/29 bats hit 93.712 mph, the 33/30 hit 92.328 mph and the 34/31 hit 90.538 mph. He recommended that any ball-exit-speed rule should be relative to known solid white ash wood batted-ball speeds. He also stated that if wood bats are considered the safe level for play, then it is difficult to defend, from a safety standpoint, any level of bat performance above that of comparable wood. (Exhibit 17)

Baseball Bat Performance: A Batting Cage Study, presented by Dr. Joseph J. "Trey" Crisco, III. Dr. Crisco recorded the exit velocity of batted balls using aluminum and wood bats in an indoor batting cage and surmised that aluminum bats clearly outperform wood bats. His findings suggest that maximum batted-ball speed is generated from bat-swing speed and barrel efficiency, or trampoline effect. He also verified the claim that a

pitcher needs .40 seconds to react and defend his position at 52-53 feet from the bat-ball impact point. (Exhibit 20)

NCAA Research Program on Bat and Ball Performance, presented by Dr. Joseph J. "Trey" Crisco, III. Dr. Crisco stated that the acceptable level of risk is the major issue in regulating bat performance, and that the specifics of a standard test methodology are secondary. He noted that extensive data from studies on impact injuries to a wide range of tissue (e.g., muscle, bone, brain), and on the reaction times of subjects, clearly indicate that increases in impact velocity would increase the severity and the frequency of injury. He found that bat speed was shown to have a stronger correlation with bat moment of inertia than bat weight, which suggests it would be more effective to regulate weight distribution (balance point) than overall bat weight. (Exhibit 10)

1999 Aluminum vs. Wood Bat Performance Study, presented by Coach Bill Thurston, Amherst College. Coach Thurston followed 96 Division I baseball players and tracked their statistics using the 1999 aluminum bat (2 5/8-inch diameter, minus-3 length-to-weight unit differential) in the spring college season, and a wood bat during competition in the Cape Cod Summer League. The 96 hitters averaged .334 with the metal bat and .248 with wood, a difference of .086. The difference in 1998 and 1997 was .082 and .107, respectively. While 79 percent of the hitters hit over .300 with metal, only 8 percent hit over .300 with wood. (Exhibit 34)

Wood vs. Aluminum Study, presented by the Central Illinois Collegiate League. The CICL, which is a collegiate summer league that uses wood bats, compared the statistics for the last three years it used metal bats (1987-89) with the most recent nine seasons using wood bats. The league has witnessed a 25 percent drop in scoring; a 60 percent drop in home runs per game; a 10 percent drop in batting average; and a game time that has decreased by 35 minutes. (Exhibit 35)

Division I and College World Series Statistical Trends, presented by the NCAA. The NCAA has tracked statistical trends at the Division I level since 1970. In 1973, the last

year that wood bats were used in college baseball, team batting averages were .266. Teams scored 5.07 runs scored per game, hit .42 home runs per game and had earned-run averages of 3.46. In 1998, team batting averages were .306, a record high. Teams scored 7.14 runs per game, hit 1.07 home runs per game and had earned-run averages of 6.09, also record highs. (Exhibit 36)

SGMA-NCAA Field Test Preliminary Report, presented by Richard Brandt. Mr. Brandt reported on a 1995 field test that was conducted in California with 28 Division I baseball players. The main purpose of the test was to measure the performance of various bats. Mr. Brandt, who was hired by the SGMA to conduct the study, jeopardized the authenticity of the results by allowing Easton and Louisville Slugger representatives to edit the results of the test. (Exhibit 30)

James A. Sherwood, Director Baseball Research Center, University of Massachusetts, Brief Vitae, (Exhibit 40)

Year 2000 NCAA Baseball Bat Rule, Jim Sherwood, (Exhibit 37)

What's The Difference between Wood and Aluminum Baseball Bats, Jim Sherwood, 3-1-99, (Exhibit 38)?

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Conclusion

Although there is a certain level of risk involved in playing the sport of baseball, the level of risk associated with wood bats has generally been accepted by all associated with the game as the "reasonable" level of risk. Therefore, any greater level of risk than that presented by traditional wood bats is unreasonable. After extensive testing and research, there is simply no question that the aluminum bats today substantially outperform traditional wood bats, and that the risk of serious injury to pitchers and infielders has become more prevalent. As evidenced by (Exhibit 1), both the frequency and the severity of injuries resulting from athletes being struck by baseballs hit by these high-performance aluminum bats indicates that the use of these bats present an unreasonable risk of injury.

Since its beginnings, the sport of baseball has attracted participants of all ages and levels of ability - from amateur to professional, and from organized leagues to neighborhood sandlot games. In 1998, participation statistics revealed that approximately 5 million participants were playing the sport of baseball in some organized form, and of these 5 million participants, approximately 98% were under the age of 18. (Exhibit 2) However, due to the extremely large number of organized baseball leagues throughout

the country, many different governing bodies have been given the task of ensuring that the sport is both safe and enjoyable, and that the integrity of the game itself is maintained.

Unfortunately, aluminum bat manufacturers have taken advantage of the fragmented nature of the sport's organization and rulemaking authority, and have used deceit, threats of lawsuits, and the influence of money to prevent meaningful bat performance rules from being implemented. The course of events in the NCAA's recent attempt to enact a bat performance rule provides the perfect example of this conduct, and the powerful effect it has had on this governing body's inability to implement a bat performance rule that all persons involved believe is necessary to ensure the safety of the athletes.

Therefore, due to the tremendous number of participants that are at risk, the large number of rulemaking bodies, and the conduct of the aluminum bat manufacturers that has rendered these numerous rulemaking bodies ineffective in enacting a meaningful bat performance rule, it is reasonably necessary that the CPSC issue a rule to eliminate or reduce the risk of injury, and to recall all nonwood baseball bats that exceed the performance of wood baseball bats. The failure of the CPSC to issue the rule requested, and to institute the requested recall, will continue to expose consumers to the unreasonable risk of injury that is presented by the use of these high-performance aluminum bats.

Two of the primary purposes of the CPSC are to:

1.) protect the public against unreasonable risks of injury associated with consumer products, and

2.) develop uniform safety standards for consumer products and to minimize conflicting state and local regulations

Therefore, due to the presence of conflicting regulations regarding baseball bat performance, and the unreasonable risk of injury presented by high-performance aluminum bats, it is appropriate and necessary for the CPSC to issue the rule requested, and to institute the recall requested.

Accordingly, petitioner requests that, based upon the scientific studies and research that have already been performed regarding this issue, and the nature and severity of the risks involved, the CPSC issue a rule requiring the wood-like performance of all nonwood baseball bats, and recall all nonwood baseball bats that exceed the performance of wood baseball bats and impose fines on the bat manufacturers for failure to report safety issues to CPSC as required by Federal Law.

Request to Initiate Rulemaking and Other Actions

Based upon the unreasonable danger and risk of injury to consumers that high-performance nonwood bats present, Petitioner hereby requests the CPSC issue a rule requiring the wood-like performance of all nonwood baseball bats, and recall all nonwood baseball bats that exceed the performance of wood baseball bats and impose a penalty on the bat manufacturers for their failure to report information that non-wood bats create unreasonable risk of serious injury or death as prescribed by Federal Law.

A suggested test protocol is attached that was submitted to the NCAA and NFHS. This protocol would establish wood-like performance in non-wood bats. (Exhibit 39)

J. W. MacKay, Jr., Petitioner

Date: April 11, 2000

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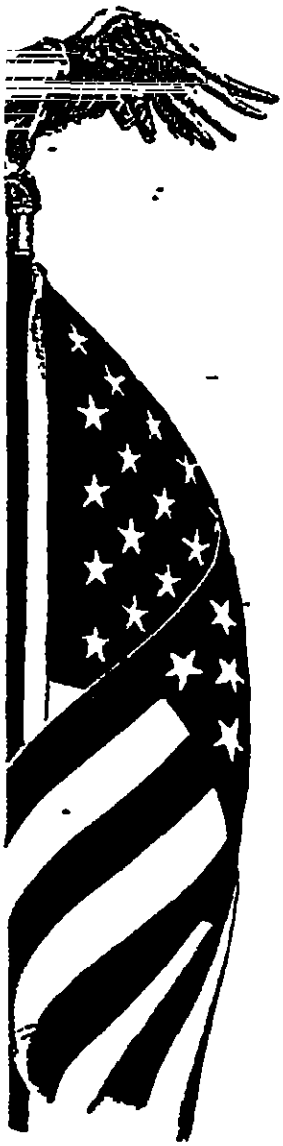

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May 3, 2000

RECEIVED
CPSC
OFFICE OF COMPLIANCE
2000 MAY -4 PM 1:22

Mr. Jay Demarco
Division of Hazard Analysis
U. S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Mr. Demarco,

Attached please find additional information on my baseball bat (non-wood) petition.

1. Letter from injured players' mother to Ann Brown, [redacted]

2. Letter from injured players' mother to Ann Brown, [redacted]

3. Recap NCAA 1998 & 1999, "pitchers hit with batted ball survey".

4. Injured players report April 1, 2000, [redacted]

5. President of Little League, Jefferson County, W. V.

6. Injured Player, [redacted]

7. Breakdown of selected injuries by NCAA, (14 injuries).

8. Neurosurgeon Injury-Atlanta

9. List of Non-Wood Bat Manufacturers.

10. Little League injury report says 28 players hurt out of 2,500,000 players. This is absurd. Mt. Pleasant had forty kids hurt last year alone, (population, 12,000), (players, 689).

11. Louisville Slugger ads that state bats are faster and enhanced.

12. NCAA Pitchers Hit With Batted Ball Breakdowns.

13. Injury report, 3 injuries, Thurston, NCAA.

14. Injury report, 3 injuries, Thurston, NCAA.
Injury report, 8 injuries, Thurston, NCAA.

15. Injury report, 1 injury, Thurston, NCAA.

16. Injury report, 12 injuries, Thurston, NCAA.

17. NCAA injury report that shows which institutions reported. It is well known that pitchers were hit at institutions that didn't file a report.

18. Chicago Tribune Article, CPSC.

19. [redacted] News Article.

I think it is quite interesting that five companies have already requested CPSC petition copies. These companies know what they have done and are scared to death.

The character assassination has already started and the NCAA mid-season stats are down so the manufacturers are saying the safety problem is fixed. It is not fixed. The stats when analyzed show home runs down but not hard hit balls. The 2000 NCAA injury reports should be very interesting.

Please have this information attached to the petition. The injury information is in Book (1) (1B) (1C), of the petitions' exhibits. I delivered book (1B) (1C) to Dr. Kyle after the petition was filed.

I will forward other information, as it becomes available.

Personal regards,

J. W. MacKay

CC: Dr. Sue Kyle

Thurs. 4/20/00

Dear Ann -

This letter is about the aluminum bat issue. I beg you to look very closely at a petition that will come across your desk from a Mr. Jack Mackay.

I had one child 22 yrs. ago. He fell in love with baseball as a toddler. My husband was an ex-redsox pitcher and my son wanted to be a pitcher.

My husband & I never pushed this little boy into baseball but by the age of 14 anyone could see that his only passion in life was pitching. There was no question in anyone's mind that this boy had a goal and an incredible desire.

At 14 yr. old he started having success - he was the winning pitcher in the final game of the Babe Ruth World Series. He was very mentally tough - due to his Dad - but also a very nice, considerate, compassionate person - maybe from me. He started high school on the Varsity."

Since my husband & I saw this passion we decided to support it 100%. I was in the training business and my husband had some pitching knowledge. So we spent most our time, energy & money (and believe me we didn't have much to the latter)

nurturing this boy's dream. We sacrificed nice cars, furniture .. etc. to send Ryan to tournaments etc. ... My husband became an expert in pitching and I became an expert in conditioning the pitcher.

During Ryans junior year of high school he was invited to a showcase being held in California - it was called the area code games. Ryan went there unknown as a ball player and came out being the surprise talent - even got a write up in Baseball America and Boston Globe.

Now the dream really started coming to life! From this showcase he was selected to USA baseball goodwill team to compete against Korea and Japan. Again he came out best pitcher - I can still hear Tommy Lasorda (a fan at the time just visiting the game) yell "Hey, Ryan you can really pitch!"

His senior year of high school he lead his team to the 5A State championship - never lost a game. He received so many awards I can't remember them all. ESPN did a beautiful piece on him as a top prospect and Weng game had 30-40 major league scouts.

He made it clear to all Major league

Clubs that he wouldnt sign pro ball unless he got drafted in the first Round. This tactic kind of backfired on him and he was drafted in the 13th round by the New York Yankees.

Negotiations were unbelievable - I was in awe of how a 17 yr. old kid could sit with these Yankees and say I'm worth 750,000. instead of the 500,000. they offered him. We wanted him to sign but he would not allow himself to cave in on his commitment to himself. Ryan did not know he was going to Asu until midnight the night before school started as that's when my husband told the Yankees "it's over."

The pressure — for 2 years straight this teenager was under the watchful eye of major league scouts, and the media — Oh my gosh: every day the paper wrote about Ryan MAHLS! His first week at Ariz. State Univ. he came down with the worst case of psoriasis and you can probably guess why. The dam that was holding all that pressure finally burst. The good? or bad? news was he was still in the limelight.

ASU baseball would commence in January

The first 3 game series was around the end of January. Even though Ryan was a freshman he was given the 3rd start on Sunday - 1:00 game against Loyola Marymount. There were 5,000 people at the game. Scouts kept coming up to me and shaking my hand and I was shaking. I was so nervous - would Ryan be able to live up to all of these expectations? I wore gold earrings that had angels on them and I kept rubbing them for good luck. I'll never forget the singing of the National anthem - it was the most beautiful performance by a 12 yr. old little girl. By this time my nerves were making me nauseous.

The next part of this story is still in my brain in slow motion. It's been 5 years since this happened and tears are flowing as I write this. Ryan threw his 5th pitch and the ball came right back at him and got him on the face. He went down on the ground. I thought he was dead until I saw him kicking his legs and holding out his hand for someone to come help him. You could hear a pin drop and no one moved. How could this happen? Finally I went berserk. I started clawing at the

mesh fence in front of me and screaming "Somebody do something!"

A friend of ours came + pulled me off the fence and carried me out of the stadium as the mothers in the stands ALL cried tears of empathy.

- Needless to say & would do anything to get rid of the aluminum bat - it's lethal! for some reason God saved Ryan but who will the next one be? & ll never stop fighting this issue because these greedy, money-hungary VIPS of these bat companies make me sick. How can these people sleep at night & it's been proven that these bats are lethal - they are weapons! Would we allow are kids access to real guns to play war?

Ryan had to have his jaw wired and it was a nightmare ... He was skinny to begin with but in 1 mo. he looked like he came from Somalia. & ve included a picture of him in uniform 6 wks. later - 6'5½" 163 lbs. ... & didn't sleep for a solid week and fed him with a syringe. He had a broken jaw but & kept thinking if the ball was any higher or any further forward or further back on his face What would have happened

But — the next questions were — would his vision be affected? his balance? Could he mentally overcome this?

The day after Ryan was gunned down by this aluminum bat my husband got a phone call from Jack Mackay. He was an employee of the company that made the bat. He called to say he was sorry — can you imagine our reaction? Oh spare me Jack Mackay! The thing is he really was sorry — we found out later he wasn't sleeping at night because he thought this bat would one day KILL someone. We've since had contact with Jack and his wife Kay and we've done programs with him for Fox and ESPN.

But you know what Ann? Five years later the bats are STILL out there and & haven't done anything for these little kids — that risk their lives everyday. I want to get rid of this lethal weapon!

My Ryan recovered much better than I did. & couldn't watch him for about 6 months. & used to hang by the stairwell and just keep the batter in my view when Ry was pitching. He went on to have a great college career his Soph & Jr. years (of course Freshman year was lost).

He ended up being the 6th pick in the draft in 1998. He's with the Minnesota Twins in A ball right now. We're all relieved that he never again has to face the aluminum bat.

We also found out sometime after that Mr. Mackay had been warning his employees about the danger of this metal in these bats. His conscience couldn't take it! Do you realize what it took for this man to come forth with this truth? Now that's a good person! One time when I was talking to him he told me that he had been sending out these warnings for about 5 years! And in Dec. of 1995 he actually wrote a letter that said "If you produce this bat I'm afraid it's going to kill somebody."

Mr. Mackay put everything on the line to admit to his knowledge of this danger - he has a boy - maybe that's why. But & also know that somebody @ Louisville has a small boy of his own because he was mentioning it in one of his defending the bat articles! There's good people and there's bad and I'm telling you it's disgusting that these bad people can't find a safe way to

manufacture. & just don't get it — it's against the law to be without a seat belt — items get recalled all the time because of safety but because an empire of big money jerks don't want to use integrity in their business kids are getting maimed. It's got to be stopped Ann.

So I'm begging you please give this your utmost attention — for the kids

Sincerely yours

[redacted]ove

Scottsdale, Az
85260

[redacted]

P.S. I'm also enclosing a copy the a newsletter that my husband wrote after Ryan got hit.

April 23, 2000

[redacted]
Enid, OK 73703
Phone [redacted]
Email [redacted]

Ann Brown, Chairman
United States Consumer Product Safety Commission
4330 East West Highway
Bethesda, Maryland 20814

Dear Madame Chairman,

On April 1, 1999, my son's life changed forever in a fraction of a second while pitching a high school baseball game. Most people who saw the baseball rocketing off Jeremy's head from Louisville's "Air Attack II" bat and then seeing his lifeless body laying face down in the dirt felt they had just witnessed a horrible freak accident. However, [redacted]'s near death injury had been predicted nearly five years prior by Mr. Jack MacKay. On December 4th, 1995, Mr. MacKay wrote a letter to the CEO of Louisville Slugger warning him that serious player injuries would occur with the production of their new high performance bats. But no one warned me, Jeremy's mother!!!!!

[redacted] is not your typical average student. He has carried a 4.0 grade point average throughout junior high and high school while taking weighted and advanced courses. Even though Jeremy excels in many subject areas his greatest love was baseball. Despite at the age of three he was diagnosed with severe chronic asthma, this did not prevent Jeremy from succeeding in all sports. Since he was five years old, his dream was to be a starting pitcher for the Atlanta Braves.

Now, Jeremy's dream has been taken away! Only the scars and memories of his painful emergency brain surgery remain. The crushing blow to Jeremy's head resulted in a lemon sized subdural hemotoma which had to be repaired with five titanium plates, twelve screws, and seventy-five staples. He is still suffering from vision loss, headaches, and periodic pain.

One week after Jeremy's surgery, Mr. Jack MacKay personally contacted us and expressed his deepest sympathy for Jeremy's injury and stated that he felt responsible for Jeremy's near death injury. He explained to us that he had designed the Louisville high performance bats and that during testing he discovered how dangerous this new technology could be. He stated that he had been trying for the past several years to get Louisville and the other manufactures to remove these dangerous bats from the market and to produce safe bats before any serious injury or death occurred.

[redacted]

This was my first warning concerning the dangers of high performance aluminum bats. My sons have been using aluminum bats for the last ten years and I never realized my children were being exposed to a deadly weapon. I thought the manufacturers were producing bats that were safe for my children to use. If I had known last April what I now know, Jeremy would either: 1) not have been pitching, or 2) he would have been wearing a protective pitching helmet.

As a mother, I appeal to you to review and grant Mr. MacKay's petition to recall all of these dangerous aluminum bats and require the manufacturers to produce safe bats for our children to use. **Please do not let the dreams of another young man or woman be destroyed due to the greed of company executives.**

Sincerely,

[redacted]

Attachments 1. T. Surgery photos
2. Daily Oklahoman newspaper article

RECAP

PITCHERS HIT WITH BATTED BALL

1998-1999

1998	*	Taken from NCAA published study	
		72 Institutions reported 26%	173 Pitchers Hit
		Average Hit Per Institution	2.4 Hits
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		Total Actual and Projected	374
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		107 Institutions 39% Reported	274 Pitchers Hit
		Average hit per Institution	2.2 Hits
		166 Institutions 61% didn't report	
		Canvassing these institutions showed	
		They had pitchers hit but didn't report.	
		166 Institutions Averaged 1.5 hits per Institution	249 Projected Hits
1999		Actual Pitcher Hits Reported	274
		Projected Pitcher Hits Not Reported	249
		Total Actual and Calculated	523
		Actual Pitcher Hits 1998 & 1999	447
		1999 Actual Increase over 1998	101

From: [redacted]
To: baumresearch@traverse.com <baumresearch@traverse.com>
Date: Sunday, April 23, 2000 3:59 PM
Subject: Pitcher hit in the head off a line drive

Dear whomever it may concern,

Hi my name is Kayla. On April 1, 2000 my cousin [redacted] was striked in the head due to a line drive hit off an aluminum baseball bat. He suffered three skull fractures and a busted artery. Daniel was in ICU for more than a week. He is home now and doing great. But the emotional stress it put on everyone was awful. I don't understand why the NCAA is still allowing these bats to be used when they are dangerous. That ball just dropped right next to Daniel after it hit him. This is crazy. If the major league doesn't use these bats no one should. If you have any more information please send it to me or my Aunt at [redacted]. Thanks so much for your site it has helped a lot with information.

Thanks,

[redacted]

jackaye@txk.net

From: "Mansfield, Jay L WRAIR-Wash DC" <Jay.Mansfield@NA.AMEDD.ARMY.MIL>
To: <jackaye@txk.net>
Sent: Friday, April 21, 2000 5:50 AM
Subject: *RE: Petition*

Dear sir;

Thank you for being so open in your discussion of the metal bat controversy. Your sacrifice is evident and will not go unnoticed. I am the president of my local Little League here in Jefferson county, WV and find myself in a quandry.

So what bats should we use ? Metal bats which react like wood would be our best bet. Are there any out there ? If so, could you recommend a bat to us which we could purchase for our leagues. We are pretty sure which bats to avoid on the high end, but where's the regular old metal bat bat which would be durable and safe ?

Thanks for your assistance.

Jay Mansfield

From: [redacted]
To: baumresearch@traverse.com <baumresearch@traverse.com>
Date: Saturday, April 22, 2000 11:34 AM
Subject: Aluminum Bats

To Whom It May Concern:

My son was injured on April 1st of this year. He was pitching and a line drive hit him in the head. He was taken by ambulance to our local hospital and then flown to Memorial Hospital in Springfield, IL. He was operated on and had three skull fractures and the doctor had to repair an artery. While in the recovery room he had a seizure. He was in ICU for nine days. He ended up spending 15 days in the hospital.

We would appreciate hearing from others who have had such an experience. It is an experience no child should have to go through.

[redacted]

From: [redacted]
To: baumresearch@traverse.com <baumresearch@traverse.com>
Date: Thursday, March 30, 2000 5:15 PM
Subject: Baseball injury to my son.

On 6-29-98, my son [redacted] was hit in the mouth by a linedrive from a metal bat while playing firstbase for the Sharon, Ct.

intermediate league team.(ages 8-9). I was the coach of the team,standing along the fistbase line when the ball was hit. It passed by so quickly that i didnt see it. The ball hit my son in the mouth with such force that it knocked one tooth completely out on the ground,at the time he had a mouthpiece in place.We are still paying for the tooth damage,ie, root canals, wire,etc. plus smal claims court.

The town only had a $2400 dental rider! Please give any information you may have.

[redacted]
Sharon, Ct-06069
[redacted]

This is the last one I have here the City's are Locating all Safety Data

04/04/2000

jackaye@txk.net

From: "Jim Sherwood" <james_sherwood@uml.edu>
To: <jackaye@txk.net>
Sent: Tuesday, April 18, 2000 7:55 PM
Subject: Re: Petition

WOW! Thanks! You are the Man on this one, Jack!

Jim

> —— Original Message ——
> **From:** jackaye@txk.net
> **To:** Jim Sherwood
> **Sent:** Tuesday, April 18, 2000 8:22 PM
> **Subject:** Petition
>
> Petition

LAW OFFICES

SOMMERS, SCHWARTZ, SILVER & SCHWARTZ

PROFESSIONAL CORPORATION

2000 TOWN CENTER

SUITE 900

SOUTHFIELD, MICHIGAN 48075-1100

DAVID L. NELSON
Direct Numbers
(248) 746-4051
Fax (248) 936-2149
dnelson@s4online.com

Firm Numbers
(248) 355-0300
Fax (248) 746-4001
email@s4online.com

April 12, 2000

Jack MacKay
Route 9
Box 185 Highway 49
Mt. Pleasant Texas 75455

Facsimile Transmittal

Re: Baum, et al v. Hillerich & Bradsby, et al
Our File No: 14897-1

Dear Mr. MacKay:

Mr. Baum asked me to send you injury reports. I am in the middle of a briefing schedule that constricts my time. Also many documents in the Baum litigation are stamped "Confidential" and protected by a court Order for disclosure.

However, I am enclosing the following:

1) A breakdown of selected news accounts of injuries from baseballs hit off of metal bats;

2) A list released by the NCAA in August of 1998 of selected newspaper accounts of injuries from Baseballs hit off of metal bats;

3) an e-mail from [redacted] to Baum Research dated 3/30/2000 regarding an injury to her son;

4) a voice mail transcription of a telephone message from Richard Mitchell in Atlanta to David Nelson.

I hope this is helpful to you.

Best regards,

SOMMERS, SCHWARTZ, SILVER
& SCHWARTZ, P.C.

David L. Nelson

DLN/rdf
Fax cc: Salvatore A. Romano, Esq.

BREAKDOWN OF SELECTED NEWS ACCOUNTS OF INJURIES FROM BASEBALLS HIT OFF OF METAL BATS

In his August 28th, 1998 letter [redacted] drew attention to 14 isolated instances where a person was struck by a ball from a metal bat (Exhibit 2.1). These cases occurred over a period of four years.

We take the safety record of our product very seriously, so we took the time to investigate each one of these incidents. Please note Exhibit 2.2. As you can see:

- Of the 14 incidents cited by the NCAA, only three had anything to do with college baseball.
- Two incidents listed described bad bounce balls - injuries that were not a function of reaction time.
- Four of the incidents were related to coaches or non-pitchers throwing batting practice from a distance of approximately 45', not the normal 60'6".
- One incident listed showed a coach was hit throwing batting practice when a ball went through a hole in the protective screen - the event had nothing to do with the bat.
- One incident occurred when a ball ricocheted off a curb and struck a person behind a batting cage - a freak accident that had nothing to do with the bat.
- In two cases it appears that the supposed incidents did not, indeed, happen as described by [redacted]

It is distressing to think that the NCAA would use scare tactics, like the listing of the above incidents, to sway people into thinking that the use of today's non-wood bats makes the game of college baseball unsafe.

Compilation of Selected News Accounts of Injuries From Baseballs Hit Off Of Metal Bats

	NCAA Description of Incidents	Occurred	Source & Date	Incident Research
9	High school pitcher hit over ear, brain bruise/temporary hearing loss;ended season and prospective college football career	April 22,1997	The Spokesman Review; 4/24/97	Player has completely recovered.
10	University of Houston pitcher hit in the face;loses two teeth/two other teeth were knocked around in mouth/60+ stitches	Mar 23,1996	The Time-Picayune;5/13/98 The New York Times;6/23/98	Player pitched the following weekend after the incident. Is now pitching in the Pittsburgh Pirates organization.
11	Coach hit on side of his cheekbone;cracked orbital rim/eye swelled shut and bled; pitching indoor batting practice behind a screen	Spring 1996	The Spokesman-Review; 4/24/97	Baseball coach conducting indoor batting practice when batted ball went through hole in protective screen netting.
12	High school player struck on the temple;severe concussion/subdermal hematoma/extreme pain/unable to see/vomit/postconcussion syndrome;behind screen	Spring 1995	The Washington Post; 5/15/96	Third baseman is working with instructor at complex. He pitches to instructor and does not get behind protective screen.
13	Sixteen-year-old second baseman struck in the chest on a bounce grounder;sent him into cardiac arrest/revived by electric shock/regained consciousness two days later.	May 24,1994	The Buffalo News;6/5/94	A bounce grounder takes an odd hop as it hits infield grass and hits second baseman's chest. Not a reaction time issue - ball took a bad bounce.
14	Coach hit in head during batting practice;in critical condition	Mid-March 1994	St. Petersburg Times;3/19/94	Coach pitching at a distance of 46' using a protective screen. When contacted, he said he was watching the hitter's hands and did not get behind the screen. He has fully recovered.

CR - 1304

COMPILATION OF SELECTED NEWS ACCOUNTS OF INJURIES FROM BASEBALLS HIT OFF OF METAL BATS

	INCIDENTS	OCCURRED	SOURCE and DATE
1.	Fifteen-year old hit above temple by ball batted by 5-foot-10, 140 pound boy; skull fracture/bleeding in brain/numbness on left side	May 28, 1998	*Austin American-Statesman; The Seattle Times*; 6/26/98
2.	Three pitchers hit by batted balls in one tournament; Florida State pitcher suffered 5-inch gash/27 stitches	May 1998	*St. Petersburg Times*; 6/12/98
3.	Nine-year-old Little Leaguer struck by ball that hit the mound and shot straight into his mouth; almost lost his two front teeth	Before June 7, 1998	*AP Online*; 6/7/98
4.	Fourteen-year-old hit in temple; death	Pre-Summer 1998	*The Gonzaga Bulletin*; Summer 1998
5.	Australian Baseball League pitcher hit by ball; underwent surgery to place 11 metal plates and 22 screws in his head	Before May 13, 1998	*The Time-Picayune*; 5/13/98
6.	Arizona State pitcher hit in face; broken jaw	Before May 13, 1998	*The Time-Picayune*; 5/13/98
7.	Seventeen-year-old hit in temple; brain dead/dies; possible ball caromed off concrete curb surrounding cage	June 22, 1997	*Austin American-Statesman; Las Angeles Times*; 8/2/98; *USA Today*; 5/25/97
8.	High school coach hit in head while pitching, irreversible brain damage, hospitalized three months, in wheelchair.	May 12, 1997	*The Charlotte Observer*; 7/19/98
9.	High school pitcher hit over ear; brain bruise/temporary hearing loss; ended season and prospective college football career	April 22, 1997	*The Spokesman-Review*; 4/24/97

COMPILATION OF SELECTED NEWS ACCOUNTS OF INJURIES FROM BASEBALLS HIT OFF OF METAL BATS

	INCIDENTS	OCCURRED	SOURCE and DATE
10.	University of Houston pitcher hit in the face; loses two teeth/two other teeth were knocked around in mouth/60+ stitches	March 23, 1996	*The Time-Picayune;* 5/13/98; *The New York Times;* 6/23/98
11.	Coach hit on side of his cheekbone; cracked orbital rim/eye swelled shut and bled; pitching indoor batting practice behind a screen	Spring 1996	*The Spokesman-Review;* 4/24/97
12.	High school player struck on the temple; severe concussion/ subdermal hematoma/extreme pain/unable to see/vomit/post-concussive syndrome; behind screen	Spring 1995	*The Washington Post,* 5/15/96
13.	Sixteen-year-old second baseman struck in the chest on a bounce grounder; sent him into cardiac arrest/revived by electric shock/ regained consciousness two days later	May 24, 1994	*The Buffalo News:* 6/5/94
14.	Coach hit in head during batting practice; in critical condition	Mid-March 1994	*St. Petersburg Times:* 3/19/94

NCAA:REL/pas:8/25/98

From: [redacted]
To: baumresearch@traverse.com <baumresearch@traverse.com>
Date: Thursday, March 30, 2000 5:15 PM
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On 6-29-98, my son [redacted] was hit in the mouth by a linedrive from a metal bat while playing firstbase for the Sharon, Ct.

Intermediate league team (ages 8-9). I was the coach of the team, standing along the firstbase line when the ball was hit. It passed by so quickly that I didn't see it. The ball hit my son in the mouth with such force that it knocked one tooth completely out on the ground, at the time he had a mouthpiece in place. We are still paying for the tooth damage, ie, root canals, wire, etc. plus small claims court.

The town only had a $2400 dental rider! Please give any information you may have.

[redacted]
Sharon, Ct. 06069
[redacted]

112125
Baum/H&B

04/04/2000

From: [redacted]
To: baumresearch@traverse.com <baumresearch@traverse.com>
Date: Thursday, March 30, 2000 5:15 PM
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The town only had a $2400 dental rider! Please give any information you may have.

[redacted]
Sharon, Ct. 06069

112125
Baum/H&B

04/04/2000

Voice mail transcribed 12/2/99

Dave, this is Richard Mitchell in Atlanta, calling you about my neurosurgeon who was hit with a baseball that we've had some discussions about over the months. At your suggestion, I contacted Professor Sherwood at U-Mass to see if he would be willing to serve as an expert for us on that case, and to test the bats that we have that were involved. He indicated he would be happy to do so but that he needed to get a temporary license of some sort from your client, Mr. Baum, to do that, because the license he has is only for a governing body or academic testing. So I was calling to see if we could arrange for that, and how.

Secondly, he also indicated to me that Easton had reached resolution with the NCAA in their case and that as part of their resolution Easton had agreed to utilize the Baum testing method for future purposes in dealing with these issues, which, obviously, I would like to get a copy of that as well, since that would overcome any kind of Daubert challenge they might have to the testing that Sherwood would be doing for us. So, if you could give me a call at your convenience and discuss that with me I would appreciate it.

My telephone number is (404) 812-4746. It's about 3:00 on Thursday. I'm actually going to be at a seminar on Friday, but if you could just get back with me maybe at the beginning of next week if you don't reach me this afternoon, that would be great. Thank you very much.

/pln

RECAP

PITCHERS HIT WITH BATTED BALL

1998-1999

1998	*	Taken from NCAA published study	
		72 Institutions reported 26%	173 Pitchers Hit
		Average Hit Per Institution	2.4 Hits
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NON-WOOD BAT MANUFACTURERS

Easton Sports

H & B Louisville Slugger

Wilson Sporting Goods

American Modern Metals

Worth Sports

Bomb Bat

Nike Sports

Mizuno Sports

Steels Sporting Goods

Dudley

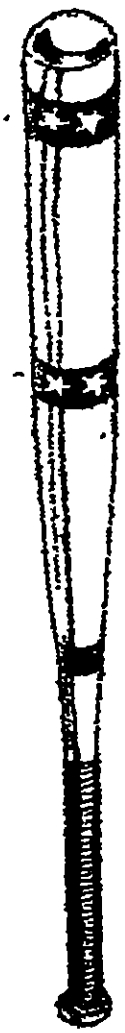
Grover

Paragon Metals

S. S. K. Sporting Goods

DeMarini

LITTLE LEAGUE BASEBALL STATEMENT ON NON-WOOD BATS



Little League Baseball has received numerous inquiries from its volunteers and media regarding the safety of non-wood bats.

Background

Recent innovations in metal alloys have allowed a reduction in the weight of some models of bats, while allowing the bats to remain in conformity with the length and diameter guidelines in the various divisions of Little League Baseball and Softball. Some volunteers and those in the media have raised questions about whether the weight of the bats used in Little League games should be limited, relative to the length.

Non-wood bats were first developed, partly through research by Little League, as a safer and more cost-effective alternative to wooden bats. Non-wood bats were first used in Little League in 1971, and have almost completely replaced wood bats in all divisions of play. Wood bats, which can break in half if not used properly, are now widely used only in professional baseball.

As a member of USA Baseball, the governing body for all amateur baseball in the U.S., Little League Baseball follows the recommendation of the USA Baseball Medical and Safety Advisory Committee. The position of the Advisory Committee is that further research and data needs to be collected before any changes are made to Little League rules regarding the weight of bats. There is currently no rule in any division of Little League Baseball or Softball that places a maximum or minimum limit on the weight of bats.

Statement

At present, injury data in all divisions of Little League Baseball and Softball shows there has been a 76 percent decrease in reported injuries to pitchers as a result of batted balls over the eight-season period beginning in 1992. Data on injuries to pitchers is being used because the pitching position is nearest the batter, and the pitcher is the least likely among all fielders to be fully prepared when the ball is hit.

During that same eight-year period, the number of injuries to other fielders as a result of batted balls has remained relatively constant or decreased. A summary of the data

is attached, along with participation figures and the current bat specifications for each division.

In 1997 alone, nearly 60,000 children ages 5 to 14 were treated in hospital emergency rooms for in-line skating-related injuries, according to the National Safe Kids Campaign (NSKC). Among the same ages in the same year, more than 150,000 football injuries and 200,000 basketball injuries were treated, NSKC reported. That year, NKSC said, more than 125,000 baseball and softball injuries were treated in hospital emergency rooms nationwide. However, only 70 injuries in Little League Baseball and Softball activities, ages 5 to 18, were reported that year.

Annually, less than three-tenths of one percent of U.S. Little Leaguers are injured in games or practices to the point of requiring medical treatment. Injury data for Little League are obtained through analyzing medical claims on accident insurance provided by Little League though CNA Insurance. More than 95 percent of the chartered Little League programs in the U.S. are enrolled in the Little League Group Accident Insurance plan.

In conclusion, there appears to be no indication that would cause Little League to mandate a limit on the weight of bats, based on the most current facts. Statistics show that Little League's record on safety continues to be outstanding not only among youth sports, but in baseball and softball in particular.

However, Little League Baseball will continue to monitor this situation closely, and will react accordingly and appropriately when indicated.

FACTS AND FIGURES

Total Reported Injuries to Pitchers (Batted Ball) in the U.S. by Age Group*

	1992	1993	1994	1995	1996	1997	1998	1999
Little Lg. Baseball (ages 5-12)	120	110	109	73	53	41	33	22
Jr., Sr., Big Lg. Baseball (13-18)	25	33	25	16	22	12	10	6
Baseball Totals	145	143	134	89	75	53	43	28
Little Lg. Softball (ages 5-12)	13	10	8	9	11	7	7	5
Jr., Sr., Big Lg. Softball (13-18)	5	11	11	7	7	10	5	5
Softball Totals	18	21	19	16	18	17	12	10
GRAND TOTALS	163	164	153	105	93	70	55	38

Participation Figures in Little League Baseball and Softball, U.S.*

	1992	1999
Baseball	2,389,320	2,518,755
Softball	299,910	392,370
Totals	2,689,230	2,911,125

* Injury statistics are those reported as a result of claims filed by those leagues that have purchased group accident insurance offered through Little League Baseball. More than 95 percent of the local Little Leagues purchase group accident insurance through Little League Baseball, Incorporated.

Maximum Bat Length/Diameter Specifications in Little League Baseball/Softball

	Age Range	*Max length*	*Max diameter*
Baseball	12 year olds and under	33 inches	2 1/4 inches
Baseball	13-16 year olds	34 inches	2 3/4 inches
Baseball	16-18 year olds	38 inches	2 3/4 inches
Softball	12 year olds and under	33 inches	2 1/4 inches
Softball	13 year olds and over	34 inches	2 1/4 inches

Pitching Distances		
	Age Range	*Distance*
Baseball	12 year olds and under	46 feet
Baseball	13 year olds and above	60 feet, 6 inches
Baseball	Junior League 13-15 year olds (optional)	54-foot
Softball	12 year olds and below - Majors	40 feet
Softball	12 year olds and below - Minors	35 feet
Softball	3 year olds and above	40 feet

For more information contact:
Lance Van Auken, Director of Publications and Media Relations
Little League Baseball International Headquarters 570-326-1921 (after hours: 570-326-7872)
Media E-mail: media@littleleague.org

Note: Information from the web site "www.safekids.org" was used in this report.

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Softball	12 year olds and below - Minors	35 feet
Softball	3 year olds and above	40 feet

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TEAM TPS TPS FASTPITCH

Latest News

TPS BASEBALL NEWS

NEW STRONGER ALLOY BLASTS INTO LOUISVILLE SLUGGER LINE: C555

Louisville Slugger engineers are on the cutting edge again, this time employing the latest breakthrough in metal alloy production from Alcoa to launch a new generation of high-performance bats: the C555(tm) line.

This incredible material is 7% stronger than C405® and has the highest tensile strength of any aluminum bat alloy on the market. As a result, C555 maintains a higher level of structural integrity throughout the process that thins the metal as the bat is shaped, creating a thinner, livelier barrel wall than ever before. All this translates into bats with the best performance, lighter weight, and greater durability, while continuing to meet the guidelines of the governing bodies of baseball and softball.

Louisville Slugger has designed C555 bats for all baseball categories and fastpitch softball, but the first bat model to benefit from this high-tech alloy will be for slow-pitch softball. "C555 is such an advanced alloy that its availability is limited," according to Louisville Slugger Vice President of Technical Services, George Manning. "We've decided to focus our attention first on the slow-pitch bat. Then, we'll roll out the baseball and fastpitch versions when greater quantities of C555 become available."

The C555 slow-pitch model (SB20), with the patented Pro Cup™ end cap and Powerized® end load, is the first single-wall bat that sounds, feels and performs like a double-wall bat. Two cylindrical loads are strategically placed inside the barrel to isolate the hitting area, which enlarges the sweet spot and enhances the trampoline effect.

All C555 baseball and fastpitch models will feature the patented Sims Sting Stop® system and Pro Cup end cap. The senior league baseball model (SL13), at -81/2 oz., will be the lightest bat in the senior league market. The youth baseball (YB19) model is -121/2 oz. and will be the lightest youth bat in the market. The adult baseball model (BB16) has a length-to-weight ratio of -5 ounces. The C555 for college baseball (CB1) has a 2-5/8" barrel diameter, a -3 oz. length-to-weight ratio

without grip, and meets current 1999 college bat standards. For fastpitch softball (FP17), the C555 is -111/2 oz. and will be the lightest fastpitch bat in the market.

Louisville Slugger is a brand of Hillerich & Bradsby Co., makers of top-performing sporting goods since 1884. Other H & B brands include PowerBilt®golf clubs and Louisville® hockey equipment.

other stories

TEAM TPS TPS FASTPITCH

Latest News

TPX BASEBALL NEWS

AIR3 TRIPLES BENEFIT OF AIR ATTACK TECHNOLOGY

The latest offensive weapon unleashed by Louisville Slugger is the third generation of the powerful Air Attack technology: the TPS Air3 and TPX Air3.

The Air3 features a three-compartment, nitrogen-filled chamber in the barrel, an improvement over the original single-cell chamber. When the bat and ball collide, the force of the impact is localized in one of the compartments, effectively tripling the incremental pressure, which is returned back to the ball. The bottom line: even more pop off the barrel, greater durability, and the same great solid sound and feel that top players have loved about earlier Air Attack bats.

Air3 bats are available for all baseball categories, as well as slow-pitch and fastpitch softball. Each bat is created from the high tensile strength alloy C405 Plus from Alcoa. The TPS Air3 slow-pitch softball model, used by the world's #1 softball team, TEAM TPS, features a CVL2 end-load in order to move the sweet spot toward the faster moving end of the barrel for better performance. For fastpitch softball, TPS Air3 is the Lisa Fernandez signature model bat, named for the Olympic gold medalist and TPS Advisory Staff member who works with Louisville Slugger on product development. The TPX Air3 baseball model is swung by many of the top colleges, including Stanford, Florida State and Miami, winners of the 1999 College World Series.

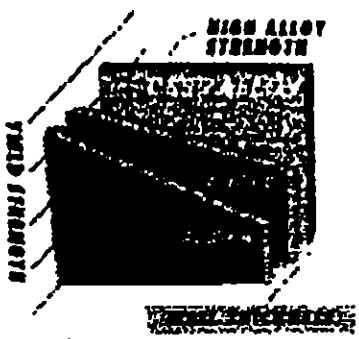
Louisville Slugger is a brand of Hillerich & Bradsby Co., makers of top-performing sporting goods since 1884. Other H & B brands include PowerBilt golf clubs and Louisville hockey equipment.

other stories

C555® sends the ball farther and makes the bat last longer.

Stronger and harder, Alcoa ALCALYTE® C555® bats hit the ball farther. The new C555 alloy provides bat manufacturers the design flexibility to specify thin handle walls, making bats lighter. The lighter the bat, the faster you swing. The faster you swing, the harder you hit.

At the same time, the new C555 bat lasts longer than other aluminum bats. Alcoa scientists know that as the ultimate tensile strength (the force required to break the metal) and the alloy's yield strength (the force required to bend the metal permanently) increase, the durability of the alloy increases exponentially.



VIEW PRODUCT

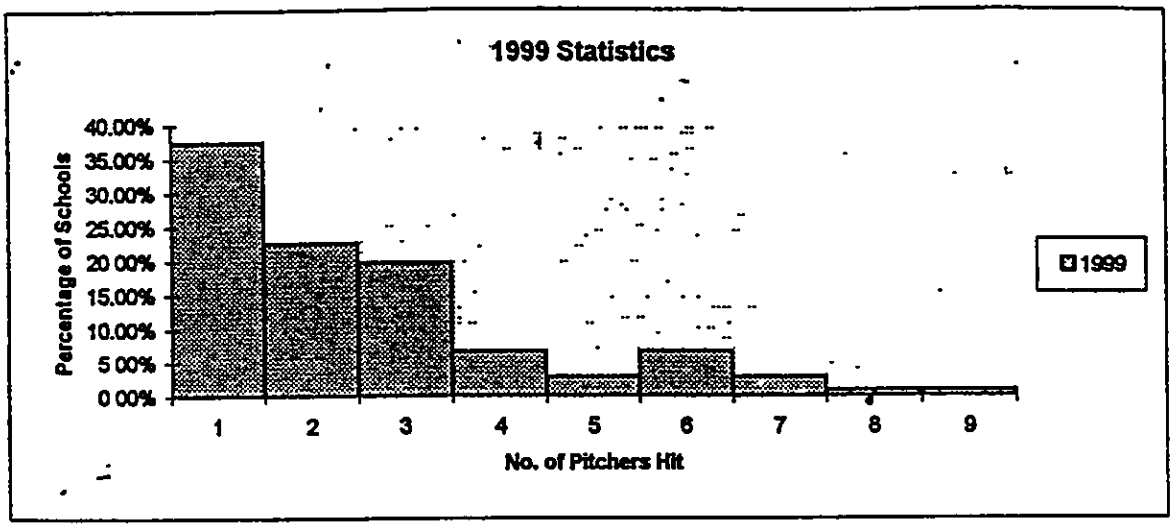
NCAA DIVISION I

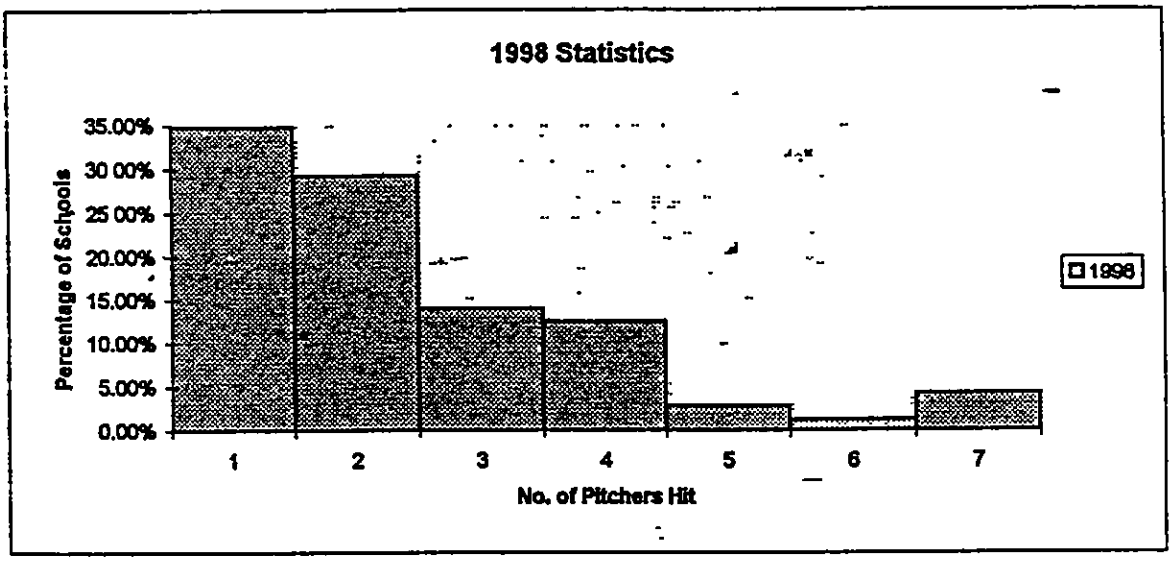
PITCHERS HIT BY-BATTED BALLS

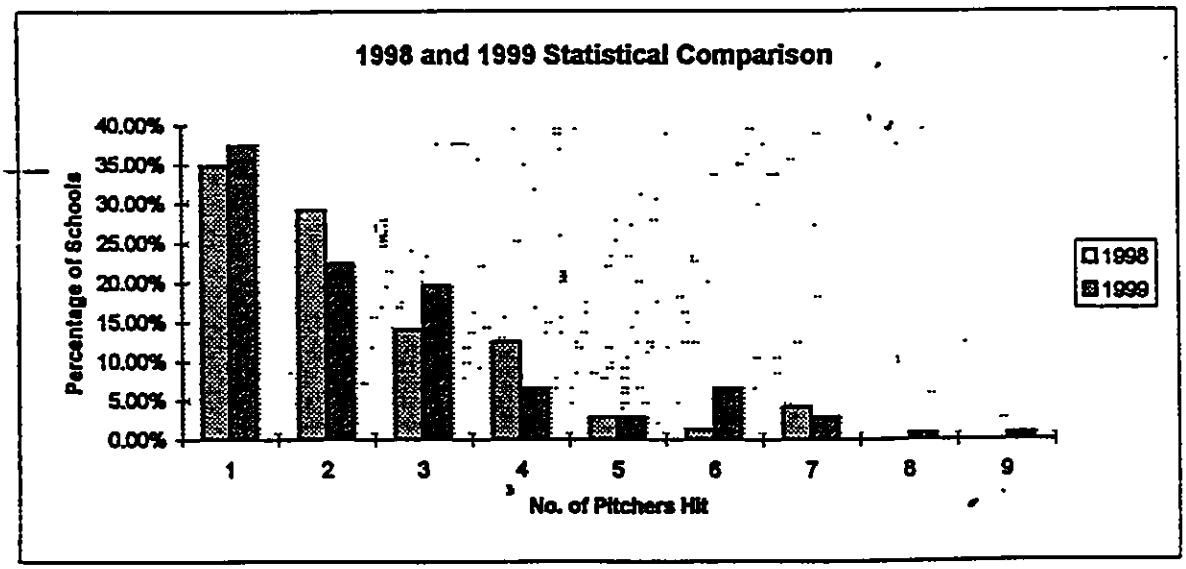
Statistical Category	1998	1999	% Change
No. of Div. I schools reporting injuries	72.00	107.00	48.611%
% of Div. I schools reporting injuries	26.40	39.20	48.485%
Injuries in games	176.00	238.00	35.227%
Injuries in scrimmages	20.00	22.00	10.000%
Injuries in practice	18.00	14.00	-22.222%
Total injuries reported	214.00	274.00	28.037%
% of injunes from balls hit off aluminum bats	96.20	98.20	2.079%
Injuries from line drives	157.00	192.00	22.293%
Injunes from one-hop hits	47.00	82.00	74.468%
% of injuries that did not result in lost playing time	68.70	72.00	4.803%
% of injured pitchers who had to leave the game	17.10	16.90	-1.170%
% of injured pitchers who missed the next practice	5.70	5.50	-3.509%
% of injured pitchers who missed the next game/start	3.80	4.00	5.263%
No. of injured pitchers who missed at least one week	10.00	9.00	-10.000%
% of injuries requiring the attention of a trainer	62.10	63.50	2.254%
% of injuries requiring the attention of a physician	10.00	9.60	-4.000%
% of injuries that did not require medical attention	25.10	26.30	4.781%
No. of pitchers who were hospitalized	2.00	5.00	150.000%
No. of pitchers who underwent surgery	3.00	3.00	0.000%
No. of injuries to the head	16.00	11.00	-31.250%
No. of injuries to the lower extremities	129.00	153.00	18.605%
No. of injuries to the upper extremities	42.00	80.00	90.476%
No. of injuries to the torso	17.00	30.00	76.471%
% of injuries resulting in concussions	89.60	91.60	2.232%
No. of bone fracture injuries	4.00	10.00	150.000%
Projected Div. I injuries	375		

Sheet2

No. of Pitchers Hit	% of Schools (1998)	% of Schools (1999)
0	1.25%	0
1	34.80%	37.40%
2	29.20%	22.50%
3	14.00%	19.70%
4	12.50%	6.60%
5	2.80%	2.80%
6	1.25%	6.60%
7	0.042	2.80%
8	0	0.80%
9	0	0.80%


1999 Statistics
40.00%
35.00%
30.00%
25.00%
20.00%
15.00%
10.00%
5.00%
0.00%
Percentage of Schools
1 2 3 4 5 6 7 8 9
No. of Pitchers Hit
1999


1998 Statistics
35.00%
30.00%
25.00%
20.00%
15.00%
10.00%
5.00%
0.00%
Percentage of Schools
1 2 3 4 5 6 7
No. of Pitchers Hit
1998


1998 and 1999 Statistical Comparison
40.00%
35.00%
30.00%
25.00%
20.00%
15.00%
10.00%
5.00%
0.00%
Percentage of Schools
1 2 3 4 5 6 7 8 9
No. of Pitchers Hit
1998
1999

NCAA

WILLIAM PATERSON UNIVERSITY PIONEERS

DEPARTMENT OF INTERCOLLEGIATE ATHLETICS
300 POMPTON ROAD • WAYNE, NEW JERSEY 07470-2103
973 720.2356 FAX 973.720 3017

MEMORANDUM

TO: Bill Thurston, Head Baseball Coach
Amherst College

FROM:- Jeff Albies
Associate Athletic Director and Head Baseball Coach

SUBJECT: Aluminum Bats

DATE: April 27, 1998

After our phone conversation today, I realized I have been remiss in reporting injuries that have occurred from batted balls involving our team. Here are a few:

In March of 1997 in a William Paterson vs Ashland University Game, one of our players hit a line drive and broke the pitchers arm. Obviously, the pitcher was removed from the game. He could not defend himself. The bat used was the 33" Red Easton.

In April 1998 our pitcher was hit in the right arm by a batted ball that if hit one foot to the right, the batted ball would have done serious damage to the pitcher. My pitcher was removed from the game and will not be able to pitch for three weeks. The game was at Adelphi University on April 21, 1998..

I have written you concerning two injuries that, to me, were serious. I have not accurately kept account of all of the "near misses."

I have been in baseball for over 45 years, 25 years as a college coach. I am not an alarmist nor have I ever felt the need to write a letter of this kind. I consider myself to be a trained professional. I don't need hi-tech statistical analysis from machines that may or may not measure a variable that may or may not be considered. Someone is going to get killed, probably a pitcher who will not be able to react to a line drive.

I feel very strongly about this. Something needs to be done.

913-339-0030

Amherst College Baseball

Coach Bill Thurston
Office Tel. 413-542-2284
Home Tel. 413-665-4026
Office Fax. 413-542-2026

Athletic Dept.
Amherst College
Amherst, Mass. 01002

5-1-98

To: Ted Breslauthal
From: Bill Thurston

Subj: Bats

Enclosed letter from Jeff Abbies -

4-28 -- Fitchburg State (2nd) pitcher hit in the side of the head by line drive

4-28 - Westfield St. (2nd) pitcher hit in the forehead by line drive.

4-30 - Bat Rebecca - Rollins College coach - who is under bat contract called and expressed his concern about bat performance and danger to pitchers.

Bill

P.S. - Louisville has a new bat name bat just new name. "The Omaha" for the CWS. Price increase $12.00