

**AFFIDAVIT**

1. My name is Brandon Henderson. I am of sound mind and a resident of

Mayville, North Dakota

2. I first met Derek Sheely in the spring of 2011.

3. I was a member of the Frostburg State University football team in August 2011.

4. On March 22, 2012, I sent an email to The Derek Sheely Foundation

(info@thedereksheelyfoundation.org). Attached hereto as Exhibit A is a true and accurate copy of the aforesaid email. The facts set forth therein are based upon my personal knowledge and are true.

5. I declare and affirm under the penalties of perjury, that all the facts contained in this affidavit are based upon my personal knowledge and are true.

  
Brandon Henderson 4/27/15

# **Exhibit A**

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**From:** Michael Haase [mailto:michaelhaase@verizon.net]  
**Sent:** Friday, March 23, 2012 10:44 PM  
**To:** Sheely, Ken  
**Subject:** Fwd: Information Behind the Death of Derek Sheely

Ken - here is the message that came in.

Begin forwarded message:

**From:** Betsy Maixner <betsy.maixner@gmail.com>  
**Date:** March 22, 2012 11:42:08 PM EDT  
**To:** michaelhaase@verizon.net  
**Subject:** Fwd: Information Behind the Death of Derek Sheely

----- Forwarded message -----

**From:** John Doe <doejohn.1972@gmail.com>  
**Date:** Thu, Mar 22, 2012 at 9:36 PM  
**Subject:** Information Behind the Death of Derek Sheely  
**To:** info@thedereksheelyfoundation.org

Hello,

I would like to start off by saying that I am very sorry for the loss of a great spirited man as Derek. I had only known Derek since the Spring of 2011 and even though I can not call him one of my best friends, I am proud to say he was a friend and teammate of mine.

I know it has been nearly 7 months since the tragic occurrence of Derek's death and I have struggled with revealing the telling the family some information that was either "forgotten" to be told to the family by the Frostburg State University coaches or that was just simply left out. But I can say after reading many interviews from the family and seeing the different news reports, important information was left out about what happened that day and the days preceding his death. The reason I have been so conflicted with telling the information with it being so vital is that I did not want to cause more hurt and pain and confusion to the family after losing their son and brother. Also, I did not know if the family did know the full story and just chose to leave out certain aspects of the situation to the general public. But now I feel that the family must know that it was not just an "ordinary concussion", but also negligence on the part of some Frostburg football coaches...mostly on the part of Jamie Shumacher.

Playing fullback Derek was a lot of the time in the thick of the grime and violence involved with football. During our position periods, the fullbacks often were working on blocking and violent collisions, which is normal for the game. However, Jamie Shumacher made it way more dangerous than what it should have been. One drill the running backs and full backs would do is run through our plays so we can correct mistakes, get better at them, etc. The fullbacks who were not in the current offensive repetition had to go and play defense to give a visual to the offensive players. These players giving the visual look COULD NOT DEFEND THEMSELVES. When the fullback would go to block he would Shumacher would often say, "KNOCK THE S\*\*T OUT OF HIM"

(keep in mind this a defenseless player) and when players would try to make their own contact to defend themselves. they were often met by Shumacher's fury for "not following the drill" I say all of this to give background on what happened with Derek. Derek happened to be one of the defenseless players just because he was caught off guard. I am not 100% sure if a helmet to helmet occurred but after the contact, to me it looked as if Derek had gone woozy for a second or two. But he shook it off like he often did and he went thru the next periods of practice fine. Later in that practice, during the team period which is all out full contact, Derek had come back to the huddle and told Shumacher that he had a slight headache. I kind of felt like something had to be wrong because Derek NEVER showed pain. Shumacher's response was, "Stop your bit\*\*\*\*g and moaning and quit acting like a pu\*\*y and get back out there Sheely!" With the Head Coach, Rogish standing right next to them he heard Derek's complaint, heard Shumacher's response and said nothing. Derek did as he was instructed and continued to practice for a few more minutes. Later a formation was finally called that Derek was not involved in and he got to get behind the drill where all the rest of the players were and he quickly took a knee, then knelt on all fours, kind of gasping for air. A few players yelled for the coaches, "Coach, look at Sheely" and Rogish and Shumacher scoffed and yelled at him to get up. When he tried, and they realized he could not they waited a few minutes then walked over to him and was talking to him. I do not know what was said, but then they called the trainers over and they went back to practice. That's when I went back to practice and the next thing I saw, was the trainers trying to help him off the field, when suddenly he collapsed.

I am not sure about any other position, but for the running backs, Shumacher always said to report any injuries or problems, but when someone did, he paid it no mind and often pushed it to the side. In another incident later that week, with another player, he had tweaked

his hamstring in the middle of practice and was trying to call for a trainer but no one would hear him. So me and another player called for the trainers for him and when Shumacher, heard us he told us to shut the f up because "we need Pat to play in this scrimmage" Referring to Patrick Pinchanat. There were many players on that team who had tweaked hamstrings, ankles and headaches, and even though the trainers told us to report everything, Shumacher as well as Rogish would tell us not to for whatever reason.

I am not completely sure what was told to you as far as him telling a coach that he had a headache, but quite simply two coaches were aware that he did have a headache and took NO precautions to ensure his safety as well as the safety of many other players.

Please, at the receipt of this email, reply back with your thoughts. Again my prayers and thoughts are still with the Sheely family, as they have been since the August 2011.

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