

CHARLES SCHRETZMAN AND STACY	:	IN THE SUPERIOR COURT OF
SCHRETZMAN	:	PENNSYLVANIA
	:	
Appellants	:	
	:	
	:	
v.	:	
	:	No. 2883 EDA 2024
NATIONAL COLLEGIATE ATHLETIC	:	
ASSOCIATION	:	

Appeal from the Judgment Entered October 1, 2024
In the Court of Common Pleas of Philadelphia County Civil Division at
No(s): 191203127

BEFORE: STABILE, J., LANE, J., and STEVENS, P.J.E.*

OPINION BY LANE, J.:

FILED SEPTEMBER 16, 2026

Charles Schretzman ("Schretzman") and Stacy Schretzman (collectively, "the Schretzmans")¹ appeal from the judgment imposed following the grant of compulsory nonsuit in favor of the National Collegiate Athletic Association ("NCAA"). We are bound under Pennsylvania's no-duty negligence rule to hold the NCAA did not owe a duty of care to warn a college player that repeated head injuries, in the sport of football, may cause, decades later, latent neurodegenerative disease, including amyotrophic lateral sclerosis ("ALS"). Accordingly, we affirm.

* Former Justice specially assigned to the Superior Court.

¹ For ease of discussion, we refer to Charles Schretzman in his individual capacity as "Schretzman," and Charles and Stacy Schretzman together as "the Schretzmans."

From 1985 to 1989, Schretzman was a cadet at the United States Military Academy ("West Point") in West Point, New York and played intercollegiate football. West Point is a member institution of the NCAA, "an unincorporated association that acts as the governing body of college sports." Complaint, 12/20/19, at 3-4. At trial, Schretzman testified to the following. Approximately fifteen to twenty times per year, "after a hit" while playing college football, he saw "stars," heard ringing in his ears, felt dizzy, or felt "unsteady on [his] feet." N.T., 8/14/24 a.m., at 51-52. However, Schretzman was never "told that seeing stars after a hit," "feeling dizzy after a hit," "feeling unsteady [on] his feet," or "hearing ringing" were symptoms of a concussion, that each concussion "made [a] person more vulnerable to the next concussion;" nor that "playing football in college would increase [his] risk of getting" amyotrophic lateral sclerosis ("ALS"). **Id.** at 49-50.

Subsequently, from 1990 to 2015, Schretzman served in the Army. At trial, he testified that "during Airborne School, [while] learning to parachute," he "hit [his] head hard" and had "a bell-ringer." N.T., 8/14/24 a.m., at 54. Twice in 2003, while deployed in Iraq, Schretzman was close to an improvised explosive device ("IED") "going off;" he felt a "shock wave" but did not have "a bell-ringer." **Id.** at 55-56.

In 2012, while serving in Afghanistan, Schretzman began experiencing symptoms, including impaired balance, difficulty standing at attention, "a sense of head heaviness and pressure," and muscle twitching in his calves.

N.T., 8/9/24 a.m., at 60. Over the next year, these conditions worsened; he also fell occasionally, had “fatigue and weakness in his legs,” “had to stop exercising,” and had “difficulty controlling crying or laughing[,] which [was] unusual for him.” *Id.* at 62-63. In April 2015, when Schretzman was forty-eight years old, he received a diagnosis of ALS.

In December 2019, the Schretzmans filed the underlying complaint raising two claims: negligence and loss of consortium.² The complaint averred: (1) the NCAA had “assumed a duty to protect intercollegiate athletes at member institutions from being unnecessarily exposed to sports-related dangers;” (2) “the NCAA knew, or should have known, of the long-term dangers of concussions and sub-concussive blows to the head regularly suffered by intercollegiate football players;” (3) the NCAA failed to warn Schretzman of these dangers and failed to implement policies to protect him; (4) at the time Schretzman “played football in the NCAA, there was no rule prohibiting players from targeting [other players’ heads] with their helmets when tackling or blocking,” and “related rule changes came years later;” and (5) “the NCAA’s conduct increased the risk to . . . Schretzman of suffering [the

² The Schretzmans initially filed a complaint in February 2018. “That case was voluntarily dismissed, without prejudice, after the [trial] court denied a motion for extraordinary relief from deadlines. [The Schretzmans] subsequently re-filed this action . . . , asserting the same claims.” Trial Court Opinion, 6/2/25, at 2.

above] injuries;" Complaint, 12/20/19, at 5, 7, 17 (unnecessary capitalization omitted).

A jury trial commenced in August 2024. Schretzman testified as summarized above.³ The Schretzmans also presented Colin Quinn, M.D. ("Dr. Quinn"), the neurologist who diagnosed Schretzman with ALS and treated him.⁴ **See** N.T., 8/9/24 a.m., at 46. Dr. Quinn testified to the following. Schretzman did not have a family history of ALS, or any of the known genetic causes for ALS. **See id.** at 52-53. However, he possessed two risk factors⁵ for ALS: (1) having "repeated head trauma, most of which came from playing football" at West Point; and (2) his military service.⁶ **Id.** at 51, 53-54. Schretzman told Dr. Quinn that he had "too many ['bell-ringers'] to count," the "vast majority of the bell-ringers were from playing football at West Point," and "there were more" head impacts from playing at West Point than from IEDs while serving in the Army. **Id.** at 51-52. Dr. Quinn testified, to a

³ Schretzman testified with the assistance with a "machine [that] require[d] a tremendous amount of physical effort." N.T., 8/14/24 a.m., at 7.

⁴ Dr. Quinn did not testify as an expert witness. **See** N.T., 8/9/24, at 41.

⁵ Dr. Quinn explained that a "risk factor is something that significantly raises the chance that you will develop a disease." N.T., 8/9/24 a.m., at 47.

⁶ Dr. Quinn stated that initially, it was believed "Gulf War Syndrome" carried an increased risk for ALS, but "a larger study showed that it wasn't just people in the Gulf War and there was a significant increased risk for [all] veterans." N.T., 8/9/24 a.m., at 54 (unnecessary capitalization omitted). However, the reasons "why veterans are at an increased risk" were unknown. **Id.** at 54-55 (unnecessary capitalization omitted).

reasonable degree of medical certainty, that “playing football and receiving head impacts at West Point” increased Schretzman’s risk of developing ALS. **Id.** at 41, 56. However, when asked if he could “separate out risk factors to say one was a cause and not the other,” Dr. Quinn replied he “would not feel comfortable doing” so. **Id.** at 56.

The Schretzmans also presented an expert witness in the fields of “neurology, neurobiology, repeated head impacts and their effect on the body, neurodegenerative disease, and concussions.” N.T., 8/8/24 a.m., at 28-29. She opined, *inter alia*, that: (1) if the NCAA had warned Schretzman about the risks of concussions and repeated head injuries, and Schretzman had heeded the warning, “his risk would have been less;” and (2) playing football at West Point was a cause of Schretzman’s ALS. **Id.** at 86-89. As the trial court pointed out, however, on cross-examination, the expert witness also stated that “the scientific community does not yet . . . fully know the cause of ALS or pretty much any other disease you can mention.” N.T., 8/8/24 p.m., at 18.

On the eighth day of trial, following the Schretzmans’ resting of their case in chief, the NCAA made an oral motion for a compulsory nonsuit. The NCAA argued that the Schretzmans failed to establish a *prima facie* case of negligence because: (1) under Pennsylvania’s no-duty rule, where a sport carries an inherent risk, the plaintiff cannot establish the defendant owed a duty; and (2) “a head injury is an inherent risk in football.” N.T., 8/15/24

p.m., at 17, 19. In support, the NCAA cited ***Craig v. Amateur Softball Association of America***, 951 A.2d 372 (Pa. Super. 2008), in which “the plaintiff was struck [in the head] by a ball” during a softball game, and the Superior Court held the no-duty rule applied and barred relief. ***Id.*** at 17-18. Both parties then filed memoranda of law for the trial court’s review.

The trial court granted the NCAA’s motion for nonsuit, concluding: (1) under the no-duty rule, the Schretzmans failed to establish the NCAA owed them a duty of care; and (2) furthermore, they failed to show causation.⁷ The Schretzmans filed a post-trial motion for relief, which the court denied. On October 1, 2024, the court entered the underlying judgment in favor of the NCAA. The Schretzmans filed a timely notice of appeal, and the trial court has issued an opinion.⁸

The Schretzmans present four issues for our review:

1. Because unnecessary, repetitive head injuries giving rise to permanent and progressive brain damage are not a common, frequent, and expected risk of playing football, did the trial court err in holding that the NCAA owed no duty to . . . Schretzman because he voluntarily opted to play college football?
2. Did the trial court err as a matter of law in applying the “no-duty” rule applicable to injuries that are a common, frequent, and expected risk of a given sporting activity in the absence of any evidence that . . . Schretzman subjectively appreciated the nature and enormity of the risk that he was subjecting himself

⁷ “An action for loss of consortium is derivative of the injured spouse’s claim.” ***Scattaregia v. Wu***, 495 A.2d 552, 553 (Pa. 1985).

⁸ The trial court did not order the Schretzmans to file a Pa.R.A.P. 1925(b) statement of errors complained of on appeal.

to, involving unnecessary, repetitive head injuries resulting in permanent and progressive brain damage, giving rise to the [ALS] disease that he was later diagnosed with, which has debilitated him at a relatively young age and is likely to end his life prematurely?

3. Whether the evidence at trial, when viewed in the light most favorable to [the Schretzmans], established that the NCAA voluntarily undertook the duty to safeguard football players at NCAA-member schools from unnecessarily dangerous football activities, thereby giving rise to duties to the [Schretzmans] under Restatement (Second) of Torts § 323, necessitating reversal of the trial court's "no-duty" holding as a ground for entering nonsuit in favor of the NCAA?
4. Did the trial court err as a matter of law in holding that [the Schretzmans] failed to introduce sufficient evidence that the NCAA's acts and omissions caused . . . Schretzman's medical injuries, where [the Schretzmans] introduced evidence from qualified medical experts that the head injuries that . . . Schretzman sustained while playing college football at [West Point] increased the risk of harm of getting ALS and were a cause in fact of his ALS?

Schretzmans' Brief at 4-5 (issues reordered for ease of review).⁹

⁹ We acknowledge the NCAA's post-Superior Court oral argument submission, which brought to this Court's attention two recent judicial decisions: an Indiana opinion, **Riggs v. NCAA**, ___ N.E.3d ___, 2026 WL 934009 (Ind. Ct. App. 2026); and this Court's unpublished memorandum in **Berton v. NCAA**, ___ A.3d ___, 2026 WL 560294 (Pa. Super. 2026) (unpublished memorandum). First, we note that while decisions from our sister states may provide persuasive authority, we are not bound by them. **See Artisan Builders, Inc. v. Jang**, 271 A.3d 889, 893 (Pa. Super. 2022).

Second, we note that a party may cite, for persuasive value, a Superior Court unpublished, non-precedential memorandum filed after May 1, 2019. **See** Pa.R.A.P. 126(b)(1)-(2). Nevertheless, we may distinguish the **Berton** memorandum. In that case, a former college football player brought a negligence action against the NCAA, alleging, *inter alia*, that it breached its duties to "enforce an effective concussion protocol" and warn that football was
(Footnote Continued Next Page)

The Schretzmans' first three issues challenge the trial court's application of the no-duty rule and resultant finding that they could not establish NCAA owed them a duty of care. We consider: "In reviewing the entry of a nonsuit, our standard of review is well-established: we reverse only if, after giving appellant the benefit of all reasonable inferences of fact, we find that the factfinder could not reasonably conclude that the essential elements of the cause of action were established." **Rolon v. Davies**, 232 A.3d 773, 776 (Pa. Super. 2020) (citation omitted).

"A motion for compulsory non-suit allows a defendant to test the sufficiency of a plaintiff's evidence and may be entered only in cases where it is clear that the plaintiff has not established a cause of action[.]" **Seels v. Tenet Health Sys. Hahnemann, LLC**, 167 A.3d 190, 205 (Pa. Super. 2015) (citation omitted). A trial "court in deciding the motion shall consider only evidence which was introduced by the plaintiff and any evidence favorable to the plaintiff introduced by the defendant prior to the close of the plaintiff's case." Pa.R.Civ.P. 230.1(a)(2).

"inherently unsafe with respect to long-term brain health." **Berton**, ___ A.3d at ___ (unpublished memorandum at 4). During trial, the trial court granted the NCAA's motion for a compulsory nonsuit, finding, *inter alia*, that the plaintiff's claims were barred by the statute of limitations. **Id.** at 9. On appeal, this Court affirmed, addressing solely the issue of the statute of limitations, and specifying that it would not "address the remainder of the [plaintiff's] claims." **Id.** at 24 n.21. As **Berton** did not involve the issue presented in this appeal — the application of the no-duty rule — we determine it is not persuasive in this appeal.

A compulsory nonsuit can only be granted in cases where it is clear that a cause of action has not been established and the plaintiff must be given the benefit of all favorable evidence along with all reasonable inferences of fact arising from that evidence, resolving any conflict in the evidence in favor of the plaintiff. The fact-finder, however, cannot be permitted to reach a decision on the basis of speculation or conjecture.

McClain v. Welker, 761 A.2d 155, 158 (Pa. Super. 2000) (citation omitted).

In a negligence claim, a plaintiff must establish “a duty, a breach of that duty, a causal relationship between the breach and the resulting injury, and actual loss.” **Hill v. Slippery Rock University**, 138 A.3d 673, 677 (Pa. Super. 2016) (citations omitted). “A duty, in negligence cases, may be defined as an obligation, to which the law will give recognition and effect, to conform to a particular standard of conduct toward another.” **Atcovitz v. Gulph Mills Tennis Club**, 812 A.2d 1218, 1222 (Pa. 2002) (citation omitted).

“[I]t is a fundamental principle of tort law [that] there cannot be a valid claim sounding in negligence unless there is a duty upon the defendant in favor of the plaintiff which has been breached.”
“The existence of a duty is a question of law for the court to decide.”

Straw v. Fair, 187 A.3d 966, 983 (Pa. Super. 2018) (citations omitted).

Here, the Schretzmans seek relief under Section 323 of the Restatement (Second) of Torts, adopted in Pennsylvania and providing:

Negligent Performance of Undertaking to Render Services

One who undertakes, gratuitously or for consideration, to render services to another which he should recognize as necessary for the protection of the other’s person or things, is subject to liability to the other for physical harm resulting from his failure to exercise reasonable care to perform his undertaking, if

(a) his failure to exercise such care increases the risk of such harm, or

(b) the harm is suffered because of the other's reliance upon the undertaking.

Restatement (Second) Of Torts § 323(a)-(b) (1965); **see also Hill**, 138 A.3d at 677.

In **Jones v. Three Rivers Management Corp.**, 394 A.2d 546 (Pa. 1978), the Pennsylvania Supreme Court set forth the no-duty rule. It "provides that a defendant owes no duty of care to warn, protect, or insure against risks which are "common, frequent and expected" and "inherent" in an activity." **Craig**, 951 A.2d at 375-76 (citing **Jones**, 394 A.2d at 551). "Thus, persons conducting an event are not negligent for failing to warn or protect a participant against risks which are inherent in the activity." **Bowser v. Hershey Baseball Association**, 516 A.2d 61, 64 (Pa. Super. 1986) (citing **Jones**, 394 A.2d at 551). "If it is determined the no-duty rule is applicable to a negligence claim, a plaintiff will be unable to set forth a *prima facie* case of liability." **Craig**, 951 A.2d at 375-76 (citing **McCandless v. Edwards**, 908 A.2d 900, 903 (Pa. Super. 2006)).

In **Jones**, the plaintiff was a spectator at a Pittsburgh Pirates baseball game "when she was struck in the eye by a ball hit during batting practice." **Jones**, 394 A.2d at 547-48. She brought an action against the owner of the

Pirates baseball franchise and the manager of the stadium.¹⁰ **See id.** at 547.

On appeal, our Supreme Court framed the “central question” as

whether [the plaintiff’s] case is governed by the “no-duty” rule applicable to common, frequent and expected risks of baseball or by the ordinary rules applicable to all other risks which may be present in a baseball stadium. To settle this question, we must determine whether one who attends a baseball game as a spectator can properly be charged with anticipating as inherent to baseball the risk of being struck by a baseball while properly using an interior walkway.

Id. at 551. The Court reasoned:

Evidence that an injured party was exposed in the stands of a baseball stadium to the predictable risks of batted balls[was] not sufficient to establish, *prima facie*, a breach of the standard of care owed a baseball patron by a stadium operator.

Id. at 550. Again, the Court held the no-duty rule applied “only to risks which are ‘common, frequent and expected,’ and in no way affect the duty of theatres, amusement parks and sports facilities to protect patrons from foreseeably dangerous conditions not inherent in the amusement activity.”

Id. at 551 (citation omitted).

In **Bowser**, the defendant, Hershey Baseball Association, was a non-profit association that provided summer baseball programs for youths and adults. **See Bowser**, 516 A.2d at 62. During tryouts, the plaintiff, a coach, “was struck in the eye by a batted ball.” **Id.** “At the completion of the plaintiffs’ testimony on liability,” the trial court granted the defendant’s motion

¹⁰ The plaintiff brought an action in trespass. **See Jones**, 394 A.2d at 547.

for a compulsory nonsuit on grounds that, *inter alia*, the defendant did not violate any duty of care. **Id.** On appeal, this Court affirmed, holding the plaintiff was not entitled to recover against the defendant. **See id.** at 63. We reasoned under the no-duty rule:

When [the plaintiff] agreed to participate on the field during the baseball tryouts, he voluntarily exposed himself to the risks inherent in baseball. One of the risks inherent in baseball is being hit by a batted ball. Having voluntarily exposed himself to the risk of being hit by a batted ball, [the plaintiff] cannot recover from the sponsor of the baseball event for injuries caused by this very risk.

Id. (citing **Jones**, 394 A.2d 546).

In **Craig**, the plaintiff “was struck in the head by a softball while playing an Eastern Suburban League . . . softball game organized under” rules set forth by the defendant, Amateur Softball Association of America. **Craig**, 951 A.3d at 374. The plaintiff was not wearing a helmet. **See id.** He filed suit raising, *inter alia*, a negligence claim and alleging that the defendant “had a duty to recommend and/or mandate [he] wear a helmet.” **Id.** The trial court, relying on **Jones** and **Bowser**, held that the plaintiff’s claims fell under the no-duty rule, and accordingly entered summary judgment against him. **See id.** at 374-76.

On appeal to this Court, the plaintiff argued the no-duty rule did not apply. **See id.** at 376. First, citing **Crews v. Seven Springs Mountain Resort**, 874 A.2d 100 (Pa. Super. 2005), he reasoned

that an “inherent risk” is one which cannot be removed from the sport in question without altering the fundamental nature of the

sport. [The plaintiff argued] “the risk of being struck in the head without wearing a helmet by a ball while running the bases, thrown with such force that [one’s] skull becomes crushed is not a risk that is ‘inherent’ to the game of softball.”

Craig, 951 A.2d at 376 (citations omitted). This Court rejected this contention, reasoning:

[The plaintiff’s] argument confuses the concepts of risk and result. **The risk at issue in this matter is being struck by an errant softball; the risk is not the injuries that resulted from being struck. See generally, Loughran v. Phillies, . . . 888 A.2d 872, 875 (Pa. Super. 2005) . . . (“The ‘no-duty’ rule applies to bar a plaintiff’s claims for injuries *suffered as a result of* common, frequent and expected risks inherent during the activity in question.”), citing Jones**, [394 A.2d] at 546 (emphasis added). Our precedent is clear on this point — the risk of being struck with a softball is inherent to the game. [**See Loughran**, 888 A.2d at 876; **Bowser**, 516 A.2d at 64.]

Craig, 951 A.2d at 376 (emphasis added and some citations omitted). The Superior Court acknowledged the plaintiff’s injuries were “catastrophic,” but concluded that in this instance, he failed to establish that the defendant owed him a duty of care. **Id.** at 379.

As noted above, the Schretzmans’ first three issues challenge the trial court’s application of the no-duty rule and conclusion that the NCAA did not owe a duty of care. We summarize each argument *seriatim*.

First, the Schretzmans assert that the trial court erred in applying the no-duty rule because, while “some forms of physical injury can be a common, frequent, and expected risk” in playing football, a “latent, neurogenerative disease developing decades later [is] a fundamentally different category of harm[,] that cannot be ‘common, frequent, and expected’ in the same way.”

Schretzmans' Brief at 35, 38. The Schretzmans maintain that "**Craig** involved an immediately observable risk — being struck by a softball during gameplay" — and "not [a] latent disease manifesting decades later." **Id.** at 38. They contend:

Unlike being hit by a ball, neurodegenerative disease develops silently over years without observable symptoms, requires medical knowledge to understand the connection between the repetitive head impacts and progressive neurological damage, and cannot be observed during games the way players observe balls being thrown and hit. A latent disease that players cannot see, predict, or understand without specialized medical knowledge is not the type of risk **Craig** deemed inherent to sports.

Id. The Schretzmans further claim that the NCAA's current enactment of "far safer concussion protocols" show that head injuries are "not an inherent risk of football" "because the NCAA has managed to greatly reduce those risks without . . . changing the necessary elements of the sport of football." **Id.** at 40-41.

In their second issue, the Schretzmans assert the trial court erred in finding no duty of care, where Schretzman did not subjectively understand "that sustaining repetitive head impacts in football could cause him to develop ALS decades later." Schretzmans' Brief at 41. The Schretzmans contend: (1) in **Zeidman v. Fisher**, 980 A.2d 637 (Pa. Super. 2009), this Court "acknowledge[d] the similarity and, at times, equivalency of the [assumption of risk] doctrine to the 'no-duty' rules;" and (2) to invoke assumption of the risk, the injured party must have had a subjective awareness of the defect.

Schretzmans' Brief at 42-43 (*citing Staymates v. ITT Holub Industries*, 527 A.2d 140 (Pa. Super. 1987)). The Schretzmans further allege:

The requirement that the plaintiff must subjectively appreciate the risk to invoke the no-duty rule traces its origin to Restatement (Second) of Torts § 496D, which states that "a plaintiff does not assume a risk of harm arising from the defendant's conduct unless he then knows of the existence of the risk and appreciates its unreasonable character."

Id. The Schretzmans maintain that here, however, the trial court failed to apply this subjective inquiry and "never asked whether . . . Schretzman actually knew, understood, and appreciated that playing college football could increase his risk of developing neurodegenerative disease, including ALS, decades later." **Id.** at 47. "Instead, the trial court applied an objective standard, finding that neurodegenerative disease risks were 'inherent' to football." **Id.**

Finally, the Schretzmans maintain that "the NCAA voluntarily undertook responsibility for player safety, thereby giving rise to an enforceable duty under Restatement (Second) of Torts § 323." Schretzmans' Brief at 20. In support, they rely on **Feleccia v. Lackawanna College**, 215 A.3d 3 (Pa. 2019), which they summarize to have held, pursuant to Section 323, "that once Lackawanna College undertook to provide athletic trainers for student safety, it had a duty to exercise reasonable care in fulfilling that undertaking." **Id.** at 21. The Schretzmans then aver they presented "overwhelming evidence that the NCAA voluntarily undertook to manage football safety, [thus] creating a duty to exercise reasonable care under Section 323." **Id.** at

23. They extensively summarize the NCAA's history, including: (1) the 1906 creation of the NCAA "as a direct response to deaths and injuries in college football;" (2) the medical committees established to oversee sports injury matters and to "make and enforce safety rules;" (3) the NCAA's awareness "that college football players were at an increased risk of developing neurodegenerative diseases;" (4) the NCAA's dissemination of safety handbooks to member schools, which included "concussion management protocols;" and (5) the NCAA's understanding "that member schools relied on it for safety expertise." **Id.** at 23-30.

As discussed above, in granting nonsuit, the trial court determined that, pursuant to the no-duty rule, the NCAA did not owe a duty of care to Schretzman. It determined under **Craig**: "while the result of . . . Schretzman's . . . playing football at West Point was unexpected (development of ALS or severe brain injury), the risk — namely being struck in the head repeatedly — was not." Trial Court Opinion, 6/2/25, at 7. The court also reasoned that "the risk of severe brain injury is inherent in the game of football." **Id.**

After careful review, we determine the trial court did not err in granting nonsuit in favor of the NCAA on the issue of duty. First, we acknowledge that the case authority we cite above involve softball and baseball injuries, and not football. Nevertheless, the trial court applied the no-duty rule on a finding that head injuries and head impacts are common, frequent, expected, and inherent in football. **See Craig**, 951 A.2d at 375-76. We emphasize that on

appeal, the Schretzmans do not dispute this premise — that head injuries and head impacts, themselves, are common and inherent in the sport of football. **See** Schretzmans' Brief at 35 (stating that the Schretzmans "recognize that some forms of physical injury can be a common, frequent, and expected risk from playing the sport of football"), 40 (stating that the "Schretzmans' claims do not involve seeking recovery for risks that were common, frequent and expected in the sport of football").

Instead, as summarized above, the Schretzmans seek recovery on the ground that the relevant risk is the "latent" neurogenerative disease that may develop "decades later." Schretzmans' Brief at 38. On this issue, however, the **Craig** decision does not support the granting of relief. **Craig** specified, with respect to the softball injury matter before it: "The risk at issue . . . is being struck by an errant softball; **the risk is not the injuries that resulted from being struck.**" **Craig**, 951 A.2d at 376. While the Schretzmans contend that **Craig** "does not support barring latent disease claims," we determine there is no discussion in **Craig** extending its holding to a future injury that had not yet manifested. Schretzman's Brief at 38. Instead, the emphasized language above specified that the relevant risk, in determining whether the no-duty rule applied, was the immediate injury, and not any secondary or derivative injuries that "result[] from" the initial or primary injury. **Craig**, 951 A.2d at 376. Accordingly, pursuant to **Craig**, we determine no relief is due on the Schretzmans' first claim.

On this same basis, we determine no relief is due on the Schretzmans' second argument, that Schretzman was not subjectively aware that repeated impacts in football could cause ALS or other neurodegenerative conditions decades later. For the same foregoing reasons, we conclude that any alleged risk of future neurological conditions is not relevant in our analysis.

Finally, we conclude no relief is due on the Schretzmans' third claim, that the NCAA voluntarily assumed responsibility for player safety and thus assumed a duty of care for him. We again hold that here, the no-duty rule applied and thus the NCAA did not owe a duty of care to Schretzman to warn, protect, or insure against the common and frequent risk of head injuries. **See Craig**, 951 A.2d at 375-76.

In their final issue, the Schretzmans assert the trial court erred in finding they failed to establish causation. They contend that the court applied "the wrong causation standard," where section 323 of the Restatement "relax[es] the degree of certitude normally required of plaintiff's evidence." Schretzmans' Brief at 52. The Schretzmans cite the testimony of their witness, Dr. Quinn, "that playing football at West Point was a cause of . . . Schretzman's ALS," and "that had [he] received fewer hits to the head . . . his risk would have been significantly decreased." **Id.** at 55. The Schretzmans further allege the trial court "mischaracterized" Dr. Quinn's testimony, by "focusing selectively on his acknowledgment that he could not separate

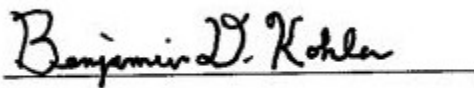
individual risk factors while ignoring his affirmative testimony establishing increased risk.” ***Id.*** at 54.

As we determine that the trial court did not err in finding the Schretzmans failed to establish that the NCAA owed a duty of care, we do not reach the issue of causation.

While we sympathize with Schretzman’s condition, under the applicable law we are constrained to conclude that on this record, the court did not err in granting compulsory nonsuit in favor of the NCAA on the issue of duty. Accordingly, we affirm the judgment entered.

Judgment affirmed.

Judgment Entered.

A handwritten signature in black ink that reads "Benjamin D. Kohler". The signature is written in a cursive style and is positioned above a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 9/16/2026