

TO: ALL PLAYERS

FROM: G. WILLIAM HUNTER, DEREK FISHER AND THE NBPA EXECUTIVE COMMITTEE

DATE: November 14, 2011

RE: NBPA DISCLAIMER

Today, by unanimous vote of the executive committee and player representatives, the National Basketball Players Association disclaimed its status as your collective bargaining representative. As a result, we will now function as a trade association to assist and support NBA players, but we will no longer engage in collective bargaining with the NBA owners. The Players Association will instead dedicate itself to supporting individual NBA players in the assertion of your non-labor rights to be free of any illegal restrictions on competition for your services.

For two and a half years and through more than 50 collective bargaining sessions, we sat at the table and attempted to negotiate a fair labor agreement with the owners. Last week, with the issuance of yet another ultimatum – a take it or leave it final offer of a long-term agreement with unacceptable terms – Commissioner Stern and the owners left us with no other option. It has become clear to us that we have exhausted our rights under the labor laws, and continuing in that forum would not be in the best interests of the players.

With no labor union in place, it is our sincere hope that the NBA will immediately end its now illegal boycott and finally open the 2011-12 season. Individual teams are free to negotiate with free agents for your services. If the owners choose to continue their present course of action, it is our view that they subject themselves to significant antitrust liability.

Today's decision was not made lightly and holds enormous consequences, including among other things, the following:

- As mentioned, we cannot engage in collective bargaining with the owners.
- We can no longer assert any labor law rights on behalf of players, and we will be withdrawing our unfair labor practice charge before the National Labor Relations Board.
- We can no longer prosecute individual grievances on behalf of players. We will communicate in the future regarding the status of any pending grievances or appeals.

- We can no longer regulate agents. Our status in regulating agents derives from our authority under the National Labor Relations Act as the players' bargaining representative. With that status ended, likewise our agent regulation program is terminated.

The NBPA will always be here to assist individual players in asserting your rights outside of the labor laws and to improve business conditions of all professional basketball players in the NBA. So, for example, among other things, we will seek to:

- Engage in group licensing activities;
- Create opportunities for players to enhance off-court income;
- Enable and encourage players to engage in charitable and civic activities to benefit both your fellow citizens and your communities;
- Serve as a clearinghouse for information related to your services as NBA players; and
- Otherwise do all we can to promote, protect, and enhance your careers as professional basketball players.

We will continue to correspond with you on business matters on a regular basis, and our New York headquarters will remain open. Please feel free to contact Billy or the NBPA legal staff with any questions or concerns you may have. We urge you very strongly as a legal matter to please not make any public or private comments on these matters. You may refer any questions to the NBPA legal staff.

As always, thank you for your support.