

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

<b>1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT</b>			
a. Name National Basketball Players Association		b. Union Representative to contact G. William Hunter, Executive Director	
c. Address (Street, city, state, and ZIP code) 310 Lenox Avenue, New York, NY 10027		d. Tel. No. 212-655-0888	e. Cell No.
		f. Fax No. 212-655-0889	g. e-Mail
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) <u>(3)</u> of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) SEE ATTACHED			
3. Name of Employer National Basketball Association and its Member Teams		4a. Tel. No. 212-407-8000	b. Cell No.
		c. Fax No. 212-407-7990	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) Nationwide		6. Employer representative to contact Adam Silver, Deputy Commissioner	
7. Type of establishment (factory, mine, wholesaler, etc.) Professional sports league	8. Identify principal product or service NBA Basketball	9. Number of workers employed Approx. 450 (players)	
10. Full name of party filing charge National Basketball Association		11a. Tel. No. 212-407-8000	b. Cell No.
		c. Fax No. 212-407-7990	d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.) Olympic Tower, 645 Fifth Avenue, New York, NY 10022			
<b>12. DECLARATION</b> I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.  By <u>Howard L. Ganz</u> Howard L. Ganz (signature of representative or person making charge) (Print/type name and title or office, if any)  Proskauer Rose LLP Address <u>11 Times Square, New York, NY 10036</u> (date) <u>8/2/11</u>		Tel. No. 212-969-3035	
		Cell No.	
		Fax No. 212-969-2900	
		e-Mail hganz@proskauer.com	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

**Attachment to Unfair Labor Practice Charge  
Against National Basketball Players Association**

**Basis of the Charge**

On August 4, 2009, the National Basketball Association, on behalf of its thirty member teams (collectively, the “NBA”), commenced negotiations with the National Basketball Players Association (“NBPA” or “Union”) for a successor collective bargaining agreement (“CBA”) to the CBA that expired on June 30, 2011.

Since that time, the Union has failed to bargain in good faith with the NBA regarding wages, hours and other terms and conditions of employment for NBA players as required by Section 8(d) of the National Labor Relations Act (the “Act”).

More specifically, the Union has repeatedly threatened that, unless its demands for a successor agreement are met by the NBA, it will engage in the pretense of “decertifying” or “disclaiming interest” in further representing NBA players. This is an impermissible negotiating tactic, designed by the Union as a predicate for the commencement of an antitrust lawsuit challenging the NBA’s current lockout and other practices, and intended, by the misuse of the antitrust laws, to create leverage for the Union in its efforts to achieve its preferred outcome in collective bargaining.

The Union’s threatened disclaimer would not be a good-faith, unequivocal renunciation of its representative status. The Union has threatened to pursue this course not because it is defunct or otherwise incapable of representing NBA players for purposes of collective bargaining, and not because NBA players are dissatisfied with the representation they have been provided by the NBPA or no longer wish to engage, on a concerted basis, in negotiating the terms and conditions of their employment.

For the foregoing reasons, the Union’s conduct violates Section 8(b)(3) of the Act, and the Union should be ordered to bargain with the NBA in good faith.

The Union’s unlawful conduct continues to the present day, August 2, 2011.