

Dear NBPA Player Representatives:

Over the past week, you have heard conflicting reports about why the Executive Committee requested that Derek Fisher resign as NBPA President. We hope this communication clarifies any confusion as to the reason for the Executive Committee's actions.

Although Fisher dutifully served as NBPA president from 2007 through 2011, the Executive Committee grew increasingly concerned with Fisher's leadership beginning in January 2012. Last week, our concerns intensified when Fisher acted without the Executive Committee's express approval and unilaterally committed significant union funds to retain a law firm to perform a financial audit and business review of the NBPA. When the Executive Committee requested that Fisher identify specific reasons for retaining the law firm and acting without the Executive Committee's consent, Fisher declined to provide the Executive Committee with an explanation.

The Executive Committee prepared the following timeline to clarify the events that led to the Executive Committee's vote of "no confidence" on Tuesday, April 17th. We hope this provides insight about the rationale for the Executive Committee's actions. We invite you to contact any member of the Executive Committee if you have further questions.

### **Timeline of Events**

**January 2012 – April 2012:** Fisher does not participate on Executive Committee conference calls, make appearances on Union's behalf, cooperate with Executive Director, or provide input on critical union matters. Fisher becomes increasingly unresponsive to several calls, emails, and text messages from union administration and Executive Committee members.

**Friday, April 13th, 2012:** Fisher organizes conference call with Executive Committee to discuss conducting business review and financial audit.

- Four (4) Executive Committee members join conference call with Fisher: Keyon Dooling, Chris Paul, James Jones and Roger Mason.
- Four (4) Executive Committee members did not participate on the conference call: Theo Ratliff, Etan Thomas, Matt Bonner and Mo Evans.
- Executive Committee does not cast vote on business review and financial audit:
  - o Keyon Dooling leaves call before vote is taken;

- o Roger Mason and Chris Paul abstain from voting before hearing more information; and
- o James Jones agrees to form subcommittee to examine issue.

**Sunday, April 15th 2012:** Fisher emails NBPA staff and NBA Players informing them that Washington D.C. law firm Patton Boggs will conduct financial audit and business review of the NBPA starting Monday, April 16th. Email communications from Fisher and Patton Boggs are sent to NBPA staff and NBA players without the Executive Committee's authorization. Email communications incorrectly state that the Executive Committee approved Patton Boggs' retention and that the Executive Committee authorized the financial audit and business review.

**Monday, April 16th, 2012:** Executive Committee requests players-only conference call with Fisher and the other eight Executive Committee members.

- Executive Committee seeks to discuss issues related to the retention of Patton Boggs and Fisher's unilateral actions.
- Executive Committee informs Fisher that annual financial audits have already been conducted and business review is being planned.
- Executive Committee votes 8-to-0 to cancel the financial audit because it is duplicative of a financial audit completed in February 2012.
- Executive Committee terminates Patton Boggs for purposes of business review.
- Executive Committee demands call on Tuesday, April 17th with Fisher, the Executive Committee, and the Executive Director to discuss issues with all relevant parties present.

**Tuesday, April 17th, 2012 (morning and afternoon):** Executive Committee members and Executive Director conduct conference call. Fisher declines to participate in conference call despite Executive Committee's request.

- Executive Committee conducts call without Fisher and questions Executive Director on financial audit, business review, and NBPA staff hiring practices.
- Fisher attempts to have Executive Committee members end call with Executive Director and join another conference call with Fisher and Patton Boggs.

- Executive Committee declines to join call with Fisher and Patton Boggs and again requests that Fisher join call with Executive Committee and Executive Director. Fisher declines second invitation to join call with Executive Committee and Executive Director.
- NBPA Secretary-Treasurer James Jones participates in conference call with Fisher and Patton Boggs. No specific charges raised on call with Fisher and Patton Boggs against NBPA and Executive Director.

**Tuesday, April 17th, 2012 (evening):** Executive Committee conducts vote of confidence on Fisher.

- Executive Committee votes 8-to-0 that it has lost confidence in Fisher's leadership based on Fisher:
  - o not acting in the players' best interests during collective bargaining;
  - o declining to follow the NBPA Constitution; and
  - o failing to uphold the duties of the Union President
- Executive Committee requests Fisher's resignation.

It is in the best interests of the players and its union to see this matter come to a swift conclusion. As part of its normal business procedures, the NBPA conducts a business review after a CBA is ratified. This was done following the ratification of the 1999 and 2005 Collective Bargaining Agreements and will be conducted again in due time.