

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

-----X  
:
  
Tom Brady, Drew Brees, Vincent Jackson, Ben : No: 0:11-cv-00639-SRN-JJG  
Leber, Logan Mankins, Peyton Manning, Von :  
Miller, Brian Robison, Osi Umenyiora, and :  
Mike Vrabel, individually, and on behalf of all : Declaration of Osi Umenyiora  
others similarly situated, :  
:
  
:
  
Plaintiffs, :  
:
  
vs. :  
:
  
:
  
NATIONAL FOOTBALL LEAGUE, et al., :  
:
  
Defendants.

----- X

Osi Umenyiora declares under penalty of perjury, as follows:

1. I am a professional football player currently under contract to play for the New York Giants. I am submitting this declaration in support of Plaintiffs' motion for summary judgment.

2. I have been a Defensive End in the NFL since 2003, when I was drafted by the New York Giants. I have been with the Giants for the entirety of my NFL career.

3. On or about December 23, 2005, I signed a six year \$41 million contract extension with the Giants, extending my contract through the 2012 season. Under this contract, I am owed a base salary of \$3,125,000 for the 2011 regular season.

In addition, I am entitled to various bonuses, including a \$31,250 bonus for each game during the 2011 season I am on the Giants' 53-man active roster.

4. As of March 12, 2011, the NFL Defendants "locked out" the players preventing us from pursuing our livelihood. Under this so-called "lockout," the Giants have refused to honor the terms of my contract. I have been denied access to the Giants' facilities and am prohibited from, among other things, playing, practicing, working out, consulting with the Giants' coaching and medical staff, and making promotional appearances for the Club.

5. In addition, under the "lockout" the Giants are refusing to pay me any of the monies to which I am entitled under my contract.

6. I am ready, willing and able to perform my obligations under my contract for the 2011 season but have been denied the opportunity to do so.

7. I have been injured as a result of the NFL Defendants' refusal to honor the terms of my contract. The NFL Defendants' "lockout" deprives me of the ability to practice or properly prepare for the 2011 NFL season and threatens to deprive me of an entire year of working at my profession; a year that cannot be recaptured.

8. In addition, the Giants are refusing to renegotiate my existing contract or discuss with me the possibility of a trade to another team. 2011 is a critical year for me to negotiate my next NFL contract because last year, in 2010, I played at a very high level setting, for example, the NFL record for most forced fumbles in a single season. Moreover, in early April 2008, approximately two weeks before the start of the New York Giants off-season conditioning program, I had a meeting with the General

Manager of the New York Giants, Mr. Jerry Reese. After about an hour of discussing my current contract, as well as the contracts of other defensive ends currently playing in the NFL, Mr. Reese told me that 2 years from the start of the 2008 league year, if I was playing at a high level, he would either renegotiate my current contract so that it would be equal to that of the top five defensive ends playing, or I would be traded to a team that would do that. Before leaving the meeting, I asked Mr. Reese twice if he was absolutely sure that would be the case. He then told me he was an honest and church going man and that he would not lie, which I believed to be the case.

9. Thus, if a contract is to be negotiated with the Giants, or any other team that would reflect my current high market value it must be done now during the 2011 season or off-season. If I am denied this opportunity due to the NFL “lockout,” I will suffer further injury.

Dated: July 15, 2011

Respectfully submitted,

/s Osi Umenyiora  
Osi Umenyiora