

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ALLBALL ATHLETICS, LLC,
formerly known as
ALLBALL ATHLETICS, INC.,

Plaintiff,

-against-

NBA PROPERTIES, INC., and
MADISON SQUARE GARDEN, L.P.,

Defendants.

05 CV 9960 (RCC)

**DEFENDANTS' INITIAL
DISCLOSURES PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 26(a)(1)**

(ECF CASE)

The defendants NBA Properties, Inc. ("NBAP"), and Madison Square Garden, L.P. ("MSG"), by their attorneys Abelman Frayne & Schwab, based upon the information presently available to them, provide the following initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1). The defendants reserve the right to supplement and/or object to the admissibility to any of the information included within these disclosures.

A. IDENTITIES OF INDIVIDUALS WITH KNOWLEDGE

The following individuals are likely to have discoverable information that defendants may use to support their claims and defenses. These individuals may be contacted only through defendants' undersigned counsel, and not directly.

1. An individual with knowledge of MSG's use of the phrase "all ball" is Laura Sgrecci, formerly the Manager, Marketing & Team Business Operations, NBA Properties, Inc., 645 Fifth Avenue, New York, NY 10022.

2. An individual with knowledge of MSG's use of the phrase "all ball" is Steve Mau, Director of New Media and

Technology Marketing for the New York Knickerbockers Basketball Club, Two Pennsylvania Plaza, New York, NY 10121.

B. EXPERT WITNESSES

Defendants have not at this time engaged the services of an expert(s) who will offer opinion testimony in this action, but reserve the right to engage the services of an expert(s) if the need arises for expert testimony and will provide information concerning its expert(s) as required by the Federal Rules of Civil Procedure and the applicable Local Rules.

C. DOCUMENTS AND THINGS

Defendants will produce non-privileged and non-confidential documents in their possession, custody or control that they may use to support their claims and defenses. Once a Protective Order is entered, the defendants will produce non-privileged confidential documents.

At the present time, known documents and things relevant to the merits of this action are located at the offices of defendants' attorneys and include documents concerning the conception and development of promotional materials using the phrase "ALLBALL" and confidential financial statements.

The defendants' investigation of their defenses and claims is ongoing and they will seasonably supplement their production of documents and things as required under Federal and local rules.

D. STATEMENT OF THE BASIS FOR DAMAGES CLAIMED

Defendants seek their damages and Allball's total profits due to its unfair competition, as well as punitive damages and defendants' costs, interest and attorneys' fees. A computation of these damages cannot be performed until the defendants obtain plaintiff's financial information.

E. INSURANCE AGREEMENTS IN FORCE

At this time, the defendants are not aware of any insurance policies applicable to the plaintiff's claims.

Dated: April 20, 2006
New York, New York

ABELMAN FRAYNE & SCHWAB

 /s Michael Aschen
Lawrence E. Abelman (LA 6486)
Michael Aschen (MA 6336)
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New York, New York 10017
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Counsel for NBA Properties,
Inc. and Madison Square
Garden, L.P.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Defendants' Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1), was served this 20th day of April 2006, by mail upon the following:

Paul A. Chin, Esq.
299 Broadway
Suite 1300
New York, NY 10007

/s Michael Aschen