

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

- 1. JAMES W. MAYFIELD,)
- 2. TERRY DURHAM,)
- 3. EDMUND MIDDLETON,)
- 4. MIKE MATHIS,)

Plaintiffs,)

vs.)

Case No.: CIV-06-571W

- 5. NATIONAL BASKETBALL ASSOCIATION,)
- 6. ATLANTA HAWKS,)
- 7. BOSTON CELTICS,)
- 8. CHICAGO BULLS,)
- 9. CHARLOTTE BOBCATS,)
- 10. CLEVELAND CAVALIERS,)
- 11. DALLAS MAVERICKS,)
- 12. DENVER NUGGETS,)
- 13. DETROIT PISTONS,)
- 14. GOLDEN STATE WARRIORS,)
- 15. HOUSTON ROCKETS,)
- 16. INDIANA PACERS,)
- 17. LOS ANGELES CLIPPERS,)
- 18. LOS ANGELES LAKERS,)
- 19. MEMPHIS GRIZZLIES,)
- 20. MIAMI HEAT,)
- 21. MILWAUKEE BUCKS,)
- 22. MINNESOTA TIMBERWOLVES,)
- 23. NEW JERSEY NETS,)
- 24. NEW ORLEANS/OKLAHOMA CITY HORNETS,)
- 25. NEW YORK KNICKS,)
- 26. ORLANDO MAGIC,)
- 27. PHILADELPHIA SEVENTY-SIXERS,)
- 28. PHOENIX SUNS,)
- 29. PORTLAND TRAILBLAZERS,)
- 30. SACRAMENTO KINGS,)
- 31. SAN ANTONIO SPURS,)
- 32. SEATTLE SUPERSONICS,)
- 33. TORONTO RAPTORS,)
- 34. UTAH JAZZ,)
- 35. WASHINGTON WIZARDS,)
- 36. NBA PROPERTIES, INC.,)
- 37. NBA ENTERTAINMENT, INC.,)

- 38. NBA MEDIA VENTURES LLC,)
- 39. THE GUARDIAN,)
- 40. DENTAL GUARD PREFERRED,)
- 41. UNUM LIFE INSURANCE COMPANY)
OF AMERICA,)
- 42. ALL THE PAST, CURRENT AND FUTURE)
OWNERS, AFFILIATES, SUBSIDIARIES,)
WELFARE AND RETIREMENT PLANS,)
DIRECTORS, OFFICERS, EMPLOYEES,)
AGENTS, PARTNERS AND SHAREHOLDERS)
OF ANY OF THE FOREGOING)
)
Defendants.)

MOTION TO STAY PROCEEDINGS PENDING ARBITRATION

COMES NOW the Plaintiffs herein and moves this Court for an Order staying proceedings (specifically the service of process deadline) in the above styled cause.

In support of this Motion, Plaintiffs would show:

- 1. That this matter was filed on May 24, 2006.
- 2. That this Court has previously granted Plaintiff up to December 20, 2006 in which to obtain service.
- 3. That Plaintiffs have had multiple telephone conferences, letters and emails with the General Counsel for the National Basketball Referees Association (“NBRA” or “Association”) in an effort to seek enforcement of arbitration provisions of the applicable Collective Bargaining Agreement which would, if enforced, make this litigation moot.
- 4. The General Counsel of the NBRA has requested various positions statements from the National Basketball Association (“League” or Defendant herein). Certain communications have occurred between the

Counsel for the Association and the League concerning the nature of the benefit denials and position termination of Plaintiffs. The NBRA General Counsel continues to work toward exhaustion and utilization of the administrative processes within the collective bargaining agreement, to include communications with the League, meetings with the NBA Commissioner and arbitration.

5. That on December 13, 2006, the undersigned had further discussions with the National Basketball Referees Association's counsel during which they requested further documents and are currently being compiled. Review of these records will assist in prosecuting this matter towards arbitration.
6. That proceeding with the lawsuit herein would be duplicitous in the event this matter is resolved in Plaintiff's favor in arbitration. Plaintiffs are requesting an additional ninety (90) days to serve the Defendants or up to and including March 20, 2007. Such additional time is requested to permit the arbitration to resolve this controversy.
7. That no Entry of Appearance has been made by any Defendant therefore, Plaintiffs are unable to ascertain whether any Defendant objects to this Motion.
8. That one previous extension has been requested and granted.
9. That this Motion is not sought to delay the final resolution on the merits. The Defendant League has advised the NBRA that it is aware of this suit. Hence, the Defendants are able to preserve evidence and prepare and work

on their defense of this matter pending this stay and will not be prejudiced in such efforts as a result of this stay.

10. That Plaintiffs believe that good cause is shown herein for the relief requested.

WHEREFORE Plaintiffs respectfully move this Court for an Order allowing them an additional ninety (90) up to and including March 20, 2007 in which to serve the Defendants in this matter and for all other relief available according to law.

Respectfully submitted,

LAW OFFICES OF DAVID LITTLE

s/David Little

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