

1 DAVID L. ANDERSON (SBN 149604)  
dlanderson@sidley.com  
2 MARIE L. FIALA (SBN 79676)  
mfiala@sidley.com  
3 JOSHUA HILL (SBN 250842)  
jhill@sidley.com  
4 SIDLEY AUSTIN LLP  
555 California Street, Suite 2000  
5 San Francisco, California 94104  
Telephone: (415) 772-1200  
6 Facsimile: (415) 772-7400

7 Attorneys for Plaintiff  
8 G. WILLIAM HUNTER

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 IN AND FOR THE COUNTY OF LOS ANGELES

11 G. WILLIAM HUNTER,

12 Plaintiff,

13 v.

14 DEREK FISHER, as President of the Executive )  
Committee of the National Basketball Players )  
15 Association and in his individual capacity, )  
16 JAMIE WIOR, THE NATIONAL )  
BASKETBALL PLAYERS ASSOCIATION, a )  
Delaware corporation, and DOES 1 THROUGH )  
17 10, inclusive,

18 Defendants.

) Case No. LC100771

)  
)  
)  
) **PLAINTIFF'S EVIDENTIARY**  
) **OBJECTIONS TO DEFENDANTS NBPA'S,**  
) **FISHER'S, AND WIOR'S EVIDENCE**  
) **SUBMITTED IN SUPPORT OF ANTI-**  
) **SLAPP MOTIONS**

) Date: December 6, 2013  
) Time: 8:30 a.m.  
) Dept.: D  
) Judge: Hon. Huey Cotton  
) Complaint Filed: May 16, 2013  
)

1 Plaintiff G. William Hunter, reserving the right to make further objections at a later time,  
 2 hereby objects to: (1) statements in the Declaration of Derek Fisher in Support of Defendants' Anti-  
 3 SLAPP Motions ("Fisher Declaration"); (2) exhibits attached to the Declaration of Lynne C. Hermle  
 4 in Support of Defendant NBPA's Demurrers to Complaint and Anti-SLAPP Motion ("Hermle  
 5 Declaration"); and (3) exhibits attached to the Declaration of Andrew A. Kassof in Support of  
 6 Defendants Fisher and Wior's Anti-SLAPP Motion ("Kassof Declaration"), as follows:

	Material Objected To	Grounds For Objection
1. 9 10 11 12 13	<b>Fisher Declaration, paragraph 11, lines 11-12 (underlined portion)</b>  <u>"I later understood that Paul Weiss was in direct communication with the U.S. Attorney's Office during its investigation and Paul Weiss requested to interview me."</u>	Hearsay (Cal. Evid. Code § 1200)  Lack of foundation (Cal. Evid. Code § 702)
14 15 16 17 18	<b>Fisher Declaration, paragraph 12, lines 21-22 (underlined portion)</b>  The NBPA Board of Player Representatives voted "to terminate Mr. Hunter's employment based on the report's findings and their own experiences with the NBPA and Mr. Hunter."	Hearsay (Cal. Evid. Code § 1200)  Lack of foundation (Cal. Evid. Code § 702)
19 20 21	<b>Hermle Declaration, Ex. A/Kassof Declaration, Ex. 2</b>  Report prepared by Paul Weiss	Hearsay (Cal. Evid. Code § 1200) <sup>1</sup>
22 23 24	<b>Hermle Declaration, Ex. C<sup>2</sup></b>  Copy of a redacted email dated November 23, 2011 from Steven Wheelless to Hunter	Hearsay (Cal. Evid. Code § 1200)  Unauthenticated document (Cal. Evid. Code §§ 1271(c); 1401)

25 <sup>1</sup> The union's report was submitted as an exhibit to both the Hermle Declaration and the Kassof  
 26 Declaration. Not only is the Report itself hearsay, but it contains multiple levels of embedded  
 27 hearsay consisting of out-of-court statements by third parties and references hearsay documents.  
 28 Plaintiff therefore objects both to the Report itself and to Exhibits 1-6, 8-9, 11, 13, and 15-46 to the Report.

	<b>Material Objected To</b>	<b>Grounds For Objection</b>
5.	<b>Hermle Declaration, Ex. D<sup>3</sup></b> Copy of March 7, 2013 letter to Hunter's counsel	Hearsay (Cal. Evid. Code § 1200) Unauthenticated document (Cal. Evid. Code §§ 1271(c); 1401)
6.	<b>Hermle Declaration, Ex. F<sup>4</sup></b> Copies of 38 internet news articles "pertaining to Hunter's job performance and termination"	Hearsay (Cal. Evid. Code § 1200)
7.	<b>Kassof Declaration, Ex. 1</b> Article titled "Derek Fisher, Champion Point Guard and Face of the Players Union," from a webpage at <a href="http://www.nytimes.com/2011/10/18/sports/basketball/derek-fisher-champion-point-guard-and-face-of-the-players-union.html?pagewanted=all&amp;r=0">http://www.nytimes.com/2011/10/18/sports/basketball/derek-fisher-champion-point-guard-and-face-of-the-players-union.html?pagewanted=all&amp;r=0</a>	Hearsay (Cal. Evid. Code § 1200)
8.	<b>Kassof Declaration, Ex. 3</b> Article titled "Report: NBPA paid \$4.8M to firms related to Hunter family," from a webpage at <a href="http://www.cbssports.com/nba/blog/eye-on-basketball/18814205/report-nbpa-paid-48m-to-firmsrelated-to-hunter-family">http://www.cbssports.com/nba/blog/eye-on-basketball/18814205/report-nbpa-paid-48m-to-firmsrelated-to-hunter-family</a>	Hearsay (Cal. Evid. Code § 1200)

<sup>2</sup> The redacted email dated November 23, 2011 from Steven Wheelless to Hunter is identified as Exhibit B in the text of the Hermle Declaration, but it is attached as Exhibit C in the copy received by Plaintiff.

<sup>3</sup> The March 7, 2013 letter to Hunter's counsel is identified as Exhibit C in the text of the Hermle Declaration, but it is attached as Exhibit D in the copy received by Plaintiff.

<sup>4</sup> The news articles are identified as Exhibit E in the text of the Hermle Declaration, but they are attached as Exhibit F in the copy received by Plaintiff.

	<b>Material Objected To</b>	<b>Grounds For Objection</b>
9.	<p><b>Kassof Declaration, Ex. 4</b></p> <p>Article titled “Struggle Between Leaders of Players Union Creates Chaos,” from a webpage at <a href="http://www.nytimes.com/2012/04/25/sports/basketball/leaders-of-nba-players-union-in-power-struggle.html?ref=howardbeck&amp;pagewanted=all&amp;r=0">http://www.nytimes.com/2012/04/25/sports/basketball/leaders-of-nba-players-union-in-power-struggle.html?ref=howardbeck&amp;pagewanted=all&amp;r=0</a></p>	Hearsay (Cal. Evid. Code § 1200)
10.	<p><b>Kassof Declaration, Ex. 5</b></p> <p>Article titled “NBPA executive director Billy Hunter sought union investment for bank with ties to son,” from a webpage at <a href="http://sports.yahoo.com/news/nba--nbpa-executive-director-billy-hunter-sought-union-investment-for-bank-with-ties-to-son.html">http://sports.yahoo.com/news/nba--nbpa-executive-director-billy-hunter-sought-union-investment-for-bank-with-ties-to-son.html</a></p>	Hearsay (Cal. Evid. Code § 1200)
11.	<p><b>Kassof Declaration, Ex. 6</b></p> <p>Article titled “Report: Billy Hunter sought \$7 million-plus NBPA investment to bank with ties to son,” from a webpage at <a href="http://www.cbssports.com/nba/blog/eye-on-basketball/18829351/report-billy-hunter-sought-millionplus-nbpa-investment-to-bank-with-ties-to-son">http://www.cbssports.com/nba/blog/eye-on-basketball/18829351/report-billy-hunter-sought-millionplus-nbpa-investment-to-bank-with-ties-to-son</a></p>	Hearsay (Cal. Evid. Code § 1200)
12.	<p><b>Kassof Declaration, Ex. 7</b></p> <p>Article titled “Federal Investigators Subpoena Union Documents,” from a webpage at <a href="http://offthedribble.blogs.nytimes.com/2012/04/27/federal-investigators-subpoena-union-documents/?r=2">http://offthedribble.blogs.nytimes.com/2012/04/27/federal-investigators-subpoena-union-documents/?r=2</a></p>	Hearsay (Cal. Evid. Code § 1200)

	<b>Material Objected To</b>	<b>Grounds For Objection</b>
13.	<b>Kassof Declaration, Ex. 8</b> Article titled "Federal government investigating NBA players' union," from a webpage at <a href="http://sportsillustrated.cnn.com/2012/basketball/nba/04/27/union.investigation.ap/index.html">http://sportsillustrated.cnn.com/2012/basketball/nba/04/27/union.investigation.ap/index.html</a>	Hearsay (Cal. Evid. Code § 1200)
14.	<b>Kassof Declaration, Ex. 9</b> Article titled "Billy Hunter at the End of the Line," from a webpage at <a href="http://espn.go.com/blog/truehoop/post/_/id/54146/billy-hunter-at-the-end-of-the-line">http://espn.go.com/blog/truehoop/post/_/id/54146/billy-hunter-at-the-end-of-the-line</a>	Hearsay (Cal. Evid. Code § 1200)
15.	<b>Kassof Declaration, Ex. 10</b> Article titled "Derek Fisher Announces Billy Hunter Terminated by NBA Players Association," from a webpage at <a href="http://www.sheridanhoops.com/2013/02/16/derek-fisher-announces-billy-hunter-terminated-by-nba-players-association/">http://www.sheridanhoops.com/2013/02/16/derek-fisher-announces-billy-hunter-terminated-by-nba-players-association/</a>	Hearsay (Cal. Evid. Code § 1200)

DATED: November 21, 2013

Respectfully submitted,

SIDLEY AUSTIN LLP

DAVID L. ANDERSON  
MARIE L. FIALA  
JOSHUA HILL

Attorneys for Plaintiff  
G. WILLIAM HUNTER