

## Winston Helps NBA Players Reach New CBA Deal

APRIL 1, 2023

A Winston team of Jeffrey Kessler, David Feher, and Sofia Arguello achieved a big win for NBA players and NBA fans on April 1, representing the National Basketball Players Association (NBPA) in reaching an agreement in principle on a new collective bargaining agreement (CBA) with the NBA.



*Jeffrey Kessler (front, far left), David Feher (front, third from right), and Sofia Arguello (front, center) with the NBPA and Think450 negotiating teams, headed by NBPA Executive Director Tamika Tremaglio (front, third from left), NBPA General Counsel Ron Klempner (front, second from left), and Think450 CLO Clarence Nesbitt (top, fourth from left). This photo was taken at 3:00 a.m. on April 1 after finalizing the terms of the Collective Bargaining Agreement and a separate licensing agreement between the NBA and Think450.*

The Winston team has represented the NBPA for many years, including in the prior collective bargaining negotiations in 2017. The CBA resulting from those negotiations was set to expire at the end of this season if the NBA exercised its “opt-out” right by March 31, which the NBA said it would do if a new CBA was not agreed upon by the deadline.

The issues in the negotiations were challenging. They included:

- NBA demands to impose a new “hard” upper spending limit on player salaries for individual teams, which the NBA has never had before;
- dealing with industry-wide disruptions in regional sports networks that locally broadcast NBA games;
- the NBA’s wish to hold a new “in-season” tournament, which the NBA has never done before;
- player demands to broaden the pool of revenues used to determine aggregate player compensation, including certain licensing revenue that has never been included before;
- NBA demands for new rules addressing player “load management” where star players are held out of games to address their long-term availability; and
- player demands to have increased opportunities to invest in the game.

All of these issues were resolved in ways satisfactory to the players with no hard upper salary limit imposed, new licensing revenues included in the shared revenue pool, player investment opportunities created, and myriad other rule changes that dealt with current issues while also preserving the interests of the players.

The new CBA will have a seven-year term with each side able to opt out a year early, ensuring labor peace in the NBA at least through the 2028–29 NBA season.

Separate from the CBA, the NBPA's licensing affiliate, Think450, also entered into an agreement in principle on a new licensing deal with the NBA concerning sponsorship arrangements.

The agreement in principle was reached at 3:00 a.m. on April 1 after the opt-out deadline was extended a few hours past midnight after round-the-clock negotiating sessions with the NBA.

The Winston team worked closely with an internal NBPA negotiating team headed by NBPA Executive Director Tamika Tremaglio, NBPA General Counsel Ron Klempner, Think450 Chief Legal Officer Clarence Nesbitt, and NBPA CFO Gary Arrick. The above photo of the negotiating team was taken just after the negotiations were completed at the NBA's New York offices in the early hours of the morning. The firm will now work with the NBPA and Think450 in negotiating the complete, detailed terms of the new CBA, which is subject to ratification by the NBA and the players, and the new Think450 licensing deal.

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Jeffrey Kessler



David Feher



Sofia Arguello