



## **II. SUMMARY JUDGMENT EVIDENCE AND ARGUMENT**

On June 12, 2011, the World Champion Dallas Mavericks defeated the Miami Heat to claim the franchise's first NBA championship. A true and correct photo of one of the many victory celebrations is incorporated herein:



Under Hillwood's ownership, the team was deemed the "worst franchise" in all of professional sports. Under Cuban's stewardship the Mavericks have become one of the league's most successful teams and are now NBA champions. Accordingly, there can be no genuine

question that Hillwood's claims of mismanagement lack merit and Hilwood's claims should be disposed of on summary judgment.

### **III. CONCLUSION**

For the reasons detailed above, the World Champion Dallas Mavericks and RMM request this Court grant summary judgment in their favor on all Hillwood's claims and award the World Champion Dallas Mavericks and RMM such further relief to which they are entitled (although they are quite content at the moment).

Dated: June 22, 2011

Respectfully submitted,

FISH & RICHARDSON P.C.



Thomas M. Melsheimer

Texas State Bar No. 13922550

M. Brett Johnson

Texas State Bar No. 00790978

Scott C. Thomas

Texas State Bar No. 24046964

1717 Main Street, Suite 5000

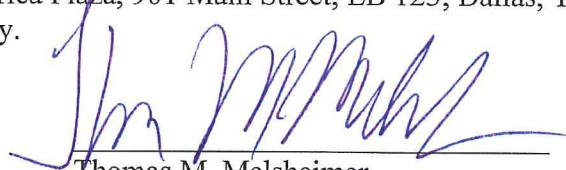
Dallas, Texas 75201

Telephone: (214) 747-5070

Telecopy: (214) 747-2091

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served on Plaintiff's counsel of record, Don Colleluori, 3400 Bank of America Plaza, 901 Main Street, LB 125, Dallas, Texas 75202, on June 22, 2011 via hand delivery.



Thomas M. Melsheimer